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CONTEMPORARY POLITICS IN THE FAR EAST

CONTEMPORARY POLITICS IN THE FAR EAST

BY

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TO

MY FATHER

PREFACE

TWENTY years ago the oldest, the largest, the most populous country in the world—a huge continental empire long accustomed to esteem itself the sole repository of national strength and substance—was defeated in war and invaded by the armed forces of a little insular neighbor. In the treaty which followed, the partitioning of China was begun.

Japan's success in dealing with China encouraged European governments to press demands for territorial and other privileges, and there ensued the "scramble for concessions" which marked the years 1894-1898. One after another the leading European powers acquired material "compensations" and staked out "spheres of influence" at China's expense.

In 1899 the Government of the United States, departing from the theoretical dictates and traditions of American foreign policy, asserted its practical interest in what was occurring in the Far East by coming forward as the champion of the "open door" policy.

Writing just after the issuing of Secretary Hay's "open door" notes and just on the eve of the Boxer uprising, Dr. Paul S. Reinsch, then a professor at the University of Wisconsin, and now American Minister to China, said: "The suddenness with which the entire perspective of the political world has been changed by recent developments in China is unprecedented. That country, without question, has become the focal point of international politics. Vast interests are there under contention—even the very composition of the world civilization of the future is at stake upon the issue. Rarely have statesmen been under a graver responsibility than are the ministers in whose hands are the threads of Chinese politics, for they are in a position to determine the future course of history in such

measure as they understand and intelligently influence the forces there at work." *

The events of 1900 drew the attention of the whole world to China. Two years later the consummation of the first alliance between a Western and a Far Eastern state, whereby England formally recognized the wonderful progress which Japan had made during the preceding fifty years, gave Japan a new importance and new strength. Forthwith the statesmen and soldiers of this rising Oriental empire challenged a great European power to battle, and in the ensuing war they achieved a victory which won for their country a ranking among the major nations.

The failure of the Boxer uprising accelerated for China, and the success of the Russo-Japanese war encouraged for Japan, new developments and new activities destined to be of momentous consequence. China turned her back on the old régime and set herself to the task of adopting modern methods. Within a decade she had discarded a dynasty, undertaken the establishing of a new system of government, and embarked upon a gigantic program of social and economic readjustment. During the same period Korea had been removed from the roll of nations. Japan, with the sapience of an old and the strength of a young nation, appropriated for the exercise of her energies all of what had been Korea, and has so extended her authority that South Manchuria is within her grasp, while China has had to take orders from Tokyo.

During the past year there have occurred in the Far East events no less important than were those of 1894-1898, 1900, 1904-1905, and 1911-1912, but, so fully has the great war in Europe occupied the attention of the Western world, most of us have given little thought to the affairs of China and Japan. The significance and the effect of these developments will in time be more widely realized.

There are many reasons why we in the West should study the Far East. We forced ourselves upon Asia. We compelled

* Reinsch: World Politics, p. 85.

China and Japan to open their doors; we made them accept relations with ourselves; and we have driven them to adopt, if only in self-defense, instruments and policies patterned on ours. The present problems of the Far East are as much of our making as of Chinese and Japanese making. There is, just now, some inclination among Americans to accept the subtle suggestion that these problems do not and need not concern us. "Let the Chinese and the Japanese settle their problems for and between themselves." Or, with even less consideration, "Let Japan settle the problems of the Far East." This might be all very well, if the problems could be thus disposed of. The error of those who assume this indifferent attitude lies in their failure to look far enough either into the past or into the future. They are endeavoring to solve problems by ignoring them, to avoid issues by deferring them, to meet obligations by repudiating them. The United States, for instance, has responsibilities in the Far East; we have an interest in the fate and fortunes of its peoples; and we have a right to a share in the commercial future of the Pacific. No amount of present indifference will alter the fact that some day we shall insist that our wishes as to political settlements and commercial opportunities in the Pacific be given due consideration. We have not yet officially repudiated the "open door" policy. Do we intend to? We have recently intimated that it is our intention to establish the independence of the Philippines. Shall we carry out this plan? We have a "Japanese problem" as a part of the question of our immigration policy. This problem and that of our Far Eastern policy are intimately connected. The success or failure of our Far Eastern policy cannot but have its effect upon the problem of maintaining or discarding the principles upon which we base that part of our South American policy which falls within the scope of the Monroe Doctrine. What do we intend to do with these questions? Have we—and if we have not, is it not time that we plan to have—a reasoned and consistent foreign policy? Can we avoid facing these questions?

To understand these problems and the questions to which they give rise, some study of the underlying facts, some knowledge of the nations, the institutions and the situations involved are necessary.

There have been written within the past twenty years scores of books on Japan, many on China, and not a few on the Far East in general. Most of these books are either very broad or very special in their choice and treatment of subjects. Few have been devoted exclusively to politics. There is not one, so far as the writer knows, which has undertaken to give within a single cover a brief account of Chinese politics, of Japanese politics, and of some of the outstanding features of the international situation in the Far East. This the present book attempts to do.

Seven years ago the writer went to China to observe at first hand certain institutions and movements in which he had long been interested. He lived, traveled and studied in the Far East for five years. His own experience in endeavoring to acquire a working knowledge of the instruments, motives and forces which underlie and contribute to or make the problems of Far Eastern politics, together with experience in attempting to answer a variety of questions which are asked in this country with regard to these problems, has convinced him that an effort to make available within one volume concise accounts of a considerable number of related phenomena such as form the subjects of the following chapters should serve a useful purpose. By giving historical résumés; by describing constitutions and constitutional theories; by explaining the genesis and programs of political parties, and the origins, objects, accomplishments, and apparent tendencies of various policies, he has sought to construct a book of facts which will contribute to an understanding of certain institutions, lines of development and problems of the present moment.

It is not the purpose of the book to pass judgment upon

policies or to offer possible solutions for problems; the task in hand is that of setting forth facts. To this end, subjects and materials have been chosen and handled with a view to anticipating in some measure the demands of at least three classes of readers: the student, to whom these matters may be new and who requires both background and detail; the well-informed reader, who, with an already established familiarity with the past, wishes arrangement, a record, and an account of recent events; and the general reader, who, with a constantly increasing interest in Chinese and Japanese politics, finds it difficult, without searching widely, to discover what are the forces and instrumentalities which occasion and determine the developments to which he sees current reference. It is thus hoped that the book will prove useful to students, of some value to specialists, and not without interest to the casual reader.

While the chief concern of this study is with contemporary politics, nevertheless it has appeared advisable to include historical sketches and some non-political data as introductory to or having a direct bearing upon current political developments. Those who have studied Far Eastern politics will appreciate the necessity for elaborating at certain points and will make allowance for the exclusion at others of details which might be interesting but are not essential to the account. Considerations of space, chiefly, are responsible for the absence of chapters on certain special subjects—such as Russo-Chinese Relations, Mongolia, Tibet, Railways and Loans, Tariffs, and so forth—a series of which, particularly adapted to special studies, may be left to another volume.

It has seemed convenient to follow the topical rather than the chronological method, but the arrangement has been made essentially cumulative, everything which precedes preparing the way for what appears in the last few chapters. Thus the first two sections, dealing with politics in China and in Japan, stand as units devoted to their respective subjects; but they serve also to establish a background for the study of matters

of broader general interest in the field of foreign relations, treated in the chapters which follow.

Well aware of the great differences of opinion which prevail with regard to many matters in the field of Far Eastern politics, and believing that personal opinions, affected as they must be by personal sympathies, experiences and predispositions, are all too frequently given undue emphasis, the writer has chosen in the preparation of this book to give first place to statements of fact, to quote from documents, to cite the opinions of other authors, to refrain from extensive comment, and to make suggestions more frequently than positive assertions at points where conclusions are to be drawn.

In presenting this volume the author takes pleasure in acknowledging his indebtedness for especially valuable assistance to Mr. Harold S. Quigley, Fellow in Political Science at the University of Wisconsin; to Mr. Ping-song Ho, for several years a student in his classes in China and later at the University of Wisconsin; to Mr. Feng-hua Huang, now a student at the University of Wisconsin; and to many other friends who have contributed information, suggestions and help. He begs also to acknowledge his indebtedness to former instructors and to many authors upon whose works he has relied and from whom he has freely drawn, and to express his appreciation of the courtesies of several editors and of his publishers.

STANLEY K. HORNBECK.

Madison, Wisconsin,
January 1, 1916.

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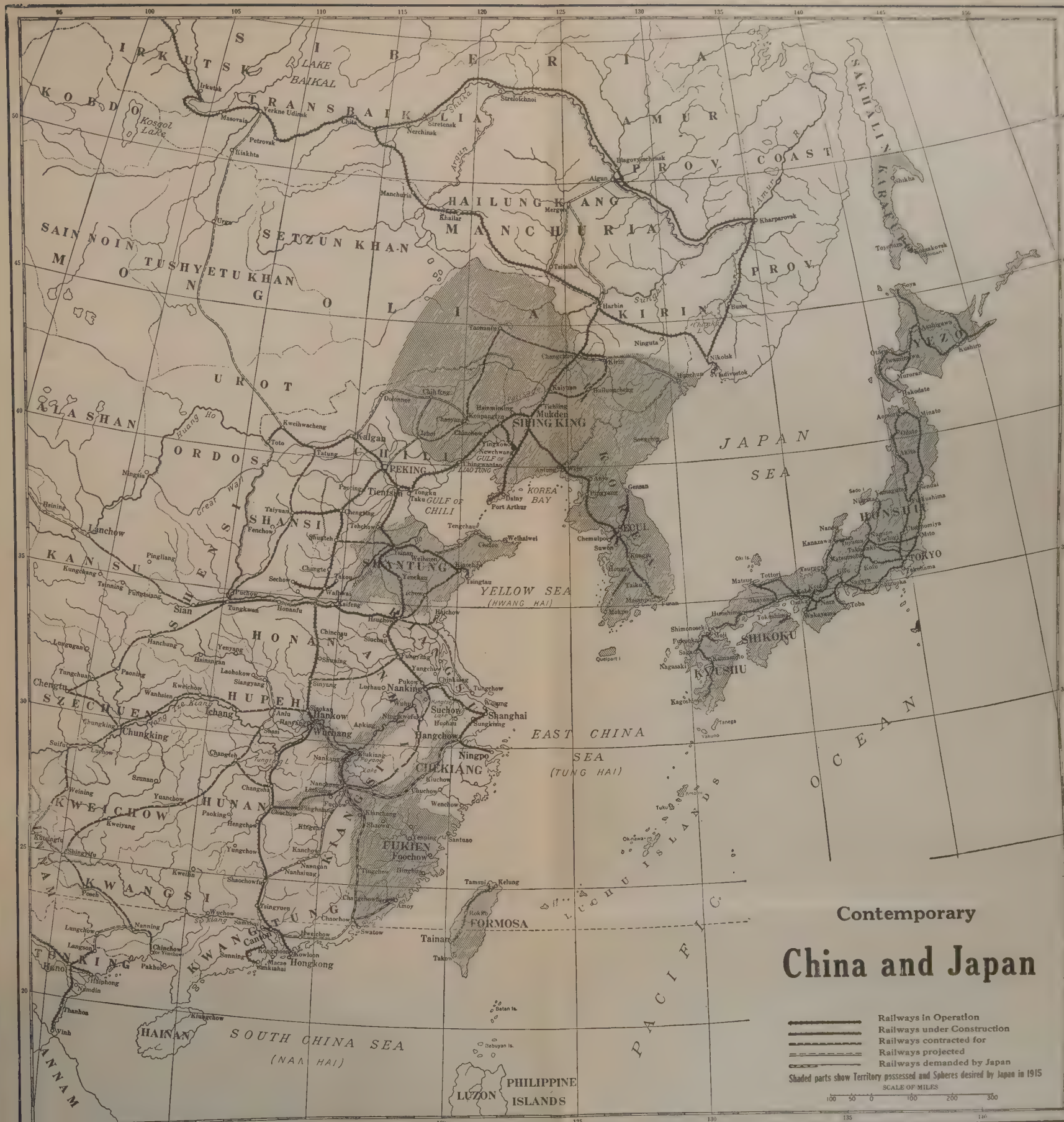
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BOOK I

POLITICS IN CHINA AND IN JAPAN

CHINA

CHAPTER I

CHINA: THE REVOLUTION

THE bomb whose explosion precipitated the Chinese Revolution was not an extraordinary spark, but it fired an unusual charge of latent human energy. When a local mutiny develops within four weeks into a nation-wide revolt, leading within four months to the abdication of an undefeated ruling family, effecting an accepted revolution among from three to four hundred million people and involving four million square miles of territory, great forces have been at work. When the power of a once great dynasty crumbles as did that of the Manchus, either the explosive used against it has been very powerful, or the resistance very weak, or both. In any case, a successful revolt, however sudden and however much a surprise its outbreak, is not fortuitous; the conditions which develop revolution must have been present; the plan of the leaders, if not the weapons of their followers, must have been prepared in advance; the authority of the rulers must have been undermined, and the moment for action must have arrived.

The accident of the bomb explosion was merely incidental. The way had already been prepared for what followed. A certain ironical interest may be attached to the fact that the explosion occurred on quasi-Russian soil, that is in the Russian "concession" at Hankow. Activities of the Russian government had probably

contributed more during the preceding fifty years to the ripening of the conditions in China which bred revolutionary sentiment than had any other agency.

First among the antecedents of the revolution stands a matter of precedent: twenty-six changes of dynasty during the four thousand years of substantial Chinese history. As compared with the Japanese, who claim twenty-five hundred years of continuous allegiance to a single royal line, the Chinese have been decidedly given to sudden political mutations. In modern times alone, the last Chinese dynasty, the Ming, ascended the throne as the result of a revolt; from them the Manchus were able to wrest the imperial seat because the country had, in the weak years of their decadence, been torn again by the forces of rebellion; and the Manchus in turn were, after a century of decline, driven from their tottering throne by the irresistible force of crystallizing popular discontent. The sages of China have taught that a ruler should hold the throne only so long as he governs well and is a true and honest "father" to his people. Developing their thesis much as Locke elaborated for us the doctrine of the "governmental compact," they emphasized the right of the people to remove the scepter from the hands of a monarch who disregarded or was unable to fulfill his essential obligations. The revolutions have come at intervals, some long, some short, but averaging less than two hundred years, as variations in economic pressure and governmental efficiency have sufficed to upset the balance of forces within the state.

The turn of the wheel in 1911 was, then, no great surprise to those who, understanding Chinese history, were able to interpret the tendencies of the past half-century and were familiar with conditions in contem-

porary China. The power of the Manchus had been badly shaken by the great Taiping Rebellion, when but for foreign assistance the Imperial forces would in all likelihood have gone down before the "long-haired rebels." From the shock of that period the throne never recovered. During the whole of the nineteenth century, the increasing influence of the West, the invasion of Occidental ideas, methods and forces, together with the inability of the Manchu government either to put up a successful resistance to the increasing aggressions of foreign powers or to adapt itself to the new conditions, were arousing the Chinese people from their mental lethargy and bringing them to a realization of their country's weakness and peril. Internally, forces identical with those which had rendered the Mings an easy prey to the Manchus were now fast undermining the title of the Manchus. The later Ming Emperors had dissociated themselves from the administration, leaving the conduct of affairs to powerful menials and the chicanery of palace intrigue. Nowhere is the doctrine of the cycle in history more strikingly sustained than in the annals of the Chinese. A century or so on an ascending curve, the zenith, then a century of decline; the rulers begin to lose their vigor in the somnolent atmosphere of peace, prosperity and self-satisfaction; stagnation and decay set in; the people begin to suffer; from suffering proceeds rebellion; perhaps an invasion threatens; the dynasty is impotent either to stem the rising tide of discontent or to defend the nation against aggressions from without. The nadir in the nation's fortunes is reached. The dynasty falls, the débris is swept away, and a new cycle begins.

It is to history that the thoughtful student should go when prompted to musings as to the probable future

of the Chinese people. It is futile to attempt to judge China and to speculate as to her future on the basis, simply, of the past century; still more so to judge the revolution of 1911 by the events which have immediately followed; and it becomes absurd to estimate the capacities of the Chinese people in terms of what they have accomplished—or failed to accomplish—in the last few decades, years, months, and weeks. In China's history there lies material for the refutation of the gloomy prognostications of certain pessimists, material for the encouragement of skeptics, material with which to fortify the faith of optimists.

Returning, however, to the thread of events: During the first century of its power,[1] the Manchu Dynasty produced some of the most efficient and enlightened rulers that ever sat on the dragon throne—and the country prospered. During its last fifty years, the affairs of the central government were largely in the hands of women and palace hangers-on. The erstwhile virility of the Manchu stock had disappeared. When the crisis came, there was a baby on the throne and there was not a single really strong man among his relatives to defend the throne and the nation against the forces of rebellion which suddenly crystallized themselves.

Occurring a good deal as a matter of course, brought on by the operation of economic and social forces, the revolution was in its more immediate aspects the result of a conflict between two antipathetic tendencies: a movement toward centralization on the part of the government; insistence upon local autonomy in certain matters of vital contemporary interest on the part of the gentry in some of the central and southern provinces.

For a brief sketch of the immediate historical an-

[1] The Manchus took the throne in 1644.

tecedents of the revolution we need go back not more than twenty years. In 1894 and 1895 Japan treated China to a surprising and ignominious defeat in the war which had broken out between the two countries as the result of their opposing policies in Korea. The ensuing three years witnessed a scramble among the great European powers, together with Japan, for concessions, both territorial and industrial. By 1898 it had become a question whether China was or was not to be partitioned among the powers. In that year the Emperor fell under the influence of the Cantonese K'ang Yu-wei and embarked upon an extensive and ill-ordered program of reform. A riotous profusion of reform edicts ensued during what is called "the hundred days," which threatened thoroughly to upset the political, social, and educational systems of the country. Alarmed at this, and finally fearful for her own personal safety, the Empress Dowager suddenly effected the famous *coup d'état* of September 21, 1898, which resulted in her seizure of the reins of government.

Among the first of her acts, the Empress Dowager called on the officials and the people to resist, if necessary by force of arms, any further foreign aggression. Then she rescinded most of the Emperor's reform edicts and scattered his advisers. Reaction became the order of the day. Encouragement was given to the ultra-conservatives. The activities of a secret society, which soon became known to the world as the Boxers, were encouraged by powerful elements at the court. This led, in 1900, to the Boxer uprising, the siege of the foreign legations, the invasion of North China by troops of the allied powers, the flight of the Court from Peking—and its absence for eighteen months, the Protocol of 1901, the saddling upon China of a burden of

debt of $325,000,000 by way of indemnity, the discrediting of the Manchu administration in the eyes of the Chinese—particularly of the South, and a further increase in the pressure of foreign influence.

After eighteen months of exile the Empress Dowager returned to Peking in a chastened frame of mind and became herself the leader in an extensive but conservatively conducted program of reform. The most important result of this new development, politically, was the appointing of a Commission which was sent abroad in 1905 to study Western constitutions and methods of government. This Commission reported in 1906, and as a consequence of its report the Empress Dowager promised in September of that year that the country should have a constitution and that thorough reforms in law and in administration would be instituted. A reorganization of the metropolitan boards was at once ordered and the establishing of a National Assembly was promised.

In 1907 Provincial Assemblies were proposed. In 1908 a Program of Constitutional Reform contemplating nine years was issued. In November, 1908, the great Empress Dowager and the hapless Emperor Kwang Hsü died, and the throne passed to a baby nephew of the latter, with his father as Regent. In 1909 the Provincial Assemblies met, and from the moment of their first meeting the troubles of the government increased many fold.

The National Assembly met for the first time in the fall of 1910. In spite of the fact that the representation had been so arranged, as the government thought, that the Assembly would be amenable to the control of the administration, this body showed itself from the very first a thoroughly unruly member. The Assembly was

given only deliberative power. It assumed for itself substantial legislative authority. Among other things, in addition to formulating a budget it demanded that the policies of the government be submitted to it. It called vociferously for the immediate establishment of a cabinet. This the government succeeded in deferring until after the Assembly had adjourned, when it proceeded in its own way to establish such a body. At the head of the Cabinet which the Regent then established was Prince Ching, an aged, conservative, and corrupt official in whom the people had no confidence. Of the thirteen cabinet members, nine were Manchus —five of these being princes of the royal family—and four were Chinese. Here the Prince Regent made one of his greatest mistakes. The people of China knew that they were getting nothing but the form of a cabinet; they knew that the men appointed as heads of several of the most important departments were absolutely incompetent. Especially unsatisfactory were the Ministers of the Army and of the Navy, two younger brothers of the Regent. The Cabinet was to be responsible to the throne only.

The opposition to the government became defined and the antagonism between the forces of centralization and decentralization found an issue in a question of railway construction and loans, an issue wherein were involved states' rights and local autonomy sentiments on the one hand and a policy of national control on the other.

In connection with this controversy, the influence of the outside pressure, both from the West and from Japan, the pressure of world politics, manifesting itself in financial and industrial developments, had its intimate and immediate bearing upon the progress of

China's internal affairs. To understand this we must devote some attention to the question of loans and railway concessions. Here, again, we find the necessary history beginning with the Chino-Japanese War of 1894-1895. It was then that China began to be a borrowing nation, and it is from that time that the problems of concessions, of the open door policy, and of the major political and economic battles which have been waged by the powers at Peking date.

The exigencies of the war with Japan first drove the Chinese to call upon foreign capital for assistance, and it took but a little time thereafter to demonstrate that China's antiquated fiscal system was incapable of meeting the demands of an awakening economic and increasingly complicated political life. After the first loan it soon became convenient to seek additional aid from abroad. Some countries were only too glad to furnish funds, a special return being in most cases required in the form of valuable concessions. England, France and Germany were the first to enter this promising financial field, and those countries have continued, up to the present, as the principal lenders. Belgium has, however, recently shared largely, while the United States, Russia and Japan, last of all, have sought to participate in the opportunities afforded by this new demand for financial and industrial assistance.

The entrance of foreign capital resulted before long in some curious combinations and ultimately in a very complicated political situation. In 1895 the largest British and German banking interests in the Far East made an agreement for the mutual sharing of all Chinese business which might be obtained by either. This financial alliance was reaffirmed in 1900 at the time of the negotiation of the Boxer indemnity loan. In the

interval, in 1898, a group of American promoters organizing as the American China Development Company secured a contract for completing the construction of railway lines from Canton to Hankow. Chinese interests were to arrange for the rights of way and to facilitate the work; the American company was to construct the line. In 1900 a supplementary agreement was concluded at Peking in which was inserted a clause which concludes: " . . . The Americans cannot transfer the rights of these agreements to other nations or people of other nationality." Certain Belgian interests had in the first place attempted to prevent the securing of the concessions in question by the Americans, but now, having failed in that, they directed their attention to purchasing, quietly, the shares of the company. By 1903 the Belgians had secured the major portion of the stock, whereupon they showed their hand. The American officials of the company, together with their agents and engineers, were promptly displaced by Belgians. This produced an immediate outcry among the Chinese, who felt that the agreement of 1900 had been violated and their rights and interests betrayed. Mr. J. P. Morgan thereupon took steps to regain control of the company, which he succeeded in doing. The Chinese were, however, not satisfied, and the upshot of the matter was that the concession was sold back to China. The Chinese government at the same time promised the company that if it had occasion in future to borrow for the completion of this line it would call on American capital.

In 1905, various British interests, including the bank which had made the arrangements with the Germans in 1895 and 1900, made an agreement with French companies for the mutual sharing of business in China,

with a view to securing a monopoly in the Yangtse Valley. Three years later the Chinese, then planning to complete the Canton-Hankow line and to build another line from Hankow to Chengtu, applied to the Anglo-French combination for a loan. The German bank insisted upon participation in the loan, and its claim was admitted.

At this point American interests indicated a desire to participate in this enterprise. A financial group, organized, at the instance of President Taft and the State Department, by certain New York banks, asked to be allotted a share in the loan. The European groups refused this request, and then the United States government intervened. The right of American capital to participate arose out of the promise which China had made in 1903. President Taft cabled personally to Prince Ching insisting upon the recognition of this right in favor of the new American banking group, and the Chinese government, after consultation with the Foreign Office, concluded that American capital must be admitted on equal terms with those accorded the three European groups. Thus was formed the four powers loan group, including British, French, German, and American interests. This group negotiated two loans with the Chinese government in 1911, one for the Hukwang railways, the other for currency reform. In the matter of the latter loan, China had earlier applied to the United States alone; but when the American group was admitted to participation in the group loan for the railways, this group shared the currency loan with the others.

The contracts for both loans were signed in the spring of 1911. By this time, however, a decided opposition to the railway loan had developed in some of the prov-

inces in which the railway was to be constructed. A prominent Chinese financier and official, Sheng Hsuan-huai, better known as Sheng Kung-pao, had been appointed director of the Bureau of Communications at Peking. Sheng favored Imperial control of railways, thus throwing his influence to the side of the Manchu policy of centralization. Already, in 1907, one of the Yangtse Provinces had successfully resisted an attempt of the central government to borrow foreign capital for, and to apply it to, the construction of a railway within provincial borders. The provinces through which the Hukwang railways were to be built now followed this example and, strenuously opposing Sheng's policy, voiced their objections to the Hukwang loan. The local gentry insisted that they would build the railways within their provinces by and for themselves. Thus the conclusion of the Hukwang loan prepared the way for the revolution.

Evidences of the coming storm first showed themselves in a revolt in the empire-province of Szechuen. Although this had the appearance of a merely local disturbance, which the government undertook to deal with by sending first a Manchu and then a Chinese official "to pacify the people," the whole of the South was excited over the issue out of which the revolt arose—the conflict between provincial and Imperial authority. It was at this moment that the accident occurred which precipitated the revolution.

On the ninth of October, 1911, a bomb exploded in a Chinese house in the Russian concession of the big Central Yangtse city of Hankow. An investigation at once showed the local Viceroy that an extensive revolutionary plot was being hatched. The bomb makers had been working with a view to an insurrection for

which they expected to be ready in the early months of the next year. Documents were seized which incriminated no small number of local officials. Exposed, and with the executioner's sword hanging over their heads, these men determined to raise the standard of revolt at once. Within two days, the local soldiery had seized the cities of Hankow and Wuchang, the Viceroy had become a fugitive, and rebellion was on in the Yangtse Valley.

For years various secret societies had been undermining the foundations of the government, intending, when the time should come, to rise against the Manchus. Two men, since well known to the world, had been particularly active in revolutionary propaganda. Dr. Sun Yat-sen many years before had planned and led a futile outbreak at Canton which had resulted in his becoming and remaining for fifteen years an exile. During the succeeding years he had traveled the world over, raising funds and organizing societies among the Chinese in foreign lands. Huang Hsing had been especially active among Chinese students in Japan, of whom, after 1898, there had been many thousands, and in propagating the gospel of revolution in China. The secret revolutionary societies had succeeded in getting their men into many official posts throughout the country and in honeycombing the Imperial army with their membership.

The rebels at Hankow forced a certain theretofore obscure colonel, at the point of the sword, to become their leader. This man was none other than the later Vice-President, Li Yuan-hung, who during the four years since has made for himself an enviable reputation as an able and honest officer and administrator. The revolution spread quickly through the Yangtse and

Southern provinces. The Manchus, terrified as the uprising assumed serious proportions, called upon Yuan Shih-kai, the ablest Chinese official in the Empire, whom they had summarily dismissed from office in 1909, and, swallowing their pride, gave over to him the task of putting down the rebellion. In the course of a few short weeks they had intrusted to him practically the whole direction of their affairs. Yuan at first directed the military operations in defense of Hankow. On the first of December the rebels took the strategic city of Nanking. By this time it had become evident that the rebellion could not be put down without a prolonged and expensive civil war. The Southern provinces were united in opposition to the government. Their capture of Nanking made it possible for the rebels to persuade Yuan Shih-kai to enter into negotiations with them. Tang Shao-yi, a prominent American-educated official, was appointed by Yuan, and Wu Ting-fang, English-educated and twice Minister to the United States, was chosen to represent the South in the negotiations which followed. Dr. Wu has been styled "the Franklin of the Chinese Revolution." It was his diplomacy in particular which had kept certain outside powers from intervening or furnishing financial assistance to the government, and without such assistance the government found itself in no position to put in the field such forces as would give hope of a successful defense.

Dr. Sun Yat-sen arrived in China in December and was promptly made president of the Southern confederacy which had been established with its headquarters at Nanking. Ultimately it was arranged that the Manchus should abdicate, turning over their power to Yuan Shih-kai, and then that Sun Yat-sen should resign the presidency of Republican China in favor of Yuan, the

latter to act as the provisional president until a formal and regularly legalized government should be established. In the Edict of Abdication, under date of February 12, 1912, the Manchus bequeathed their authority in the following terms: "Let Yuan Shih-kai organize with full powers a provisional government and confer with the Republican army as to the methods of union, thus assuring peace to the people and tranquillity to the Empire." The decision of the court was hailed as a highly politic act. Sun Yat-sen in resigning his power was acclaimed a patriot of unprecedented unselfishness. As a matter of fact, there was practically no alternative for the Manchus; and Dr. Sun realized that he was not the man to carry the country through the difficult period of restoration and reconstruction which lay ahead. Dr. Sun did not, however, as subsequent events showed, give up all personal ambition.

It should be remembered that the revolution was not primarily a movement toward making China a republic. It was in the beginning anti-dynastic. The motto of the revolutionary societies was, "Down with the Manchus." The cry, "Establish a republic," was in large measure a campaign slogan: in order to get rid of the Manchus, develop hostility to the existing régime and enthusiasm for a complete change in government, both as to personnel and as to form.

The Southerners accepted Yuan Shih-kai as president of the new republic not because they wanted him or because they trusted him, but because they saw no alternative except a prolonged civil war. They, like the government, were short of funds. It was thus the exigencies of the situation and the spirit of compromise which prevails in Chinese affairs, rather than the

pursuit of a definite and prearranged policy, which dictated the agreement which concluded the first phase of the revolution and left Yuan Shih-kai in possession *de facto* of the authority which the abdicating Manchus had bequeathed to him.

Once in control, it became Yuan Shih-kai's task to consolidate his authority, to bring order out of chaos, and to establish a new government according to new principles and upon a new foundation.

CHAPTER II

CHINA: ORGANIZATION AND GOVERNMENT UNDER THE OLD REGIME

BEFORE proceeding to an examination of the steps and measures by which those in power have undertaken to establish a new form of government, it will be advisable to give some attention to the political principles, the forms, and the machinery of the old régime. For this purpose an analysis of the character of the government is more essential than a detailed description of its organization. At the same time a simple account of the departments of the government, of the officials within those departments, of their respective functions, and of their relations and interdependency, will serve as an introduction to the anatomy of the Chinese state. A number of very excellent accounts of the government and administration of China under the old régime are easily accessible, and it will be convenient for present purposes to draw largely upon several of the best and most authoritative of these.[1]

[1] Mayers, W. F.: "The Chinese Government," (1878); Jernigan, T. R.: "China in Law and Commerce," (1905), Chapter II, Government; Morse, H. B.: "The Trade and Administration of the Chinese Empire," (1908), Chapter III, Government; Richard, L.: "Comprehensive Geography of the Chinese Empire," (1908), Section V, Chapter I, Government and Administration; Colquhoun, A. R.: "China in Transformation," (revised edition, 1912), Chapter III, Government and Administration; Hirth, F.: Encyclopædia Britannica (eleventh edition), Vol. VI, article on China, Government

The foundations of the government, like everything else Chinese, dated, more or less accurately speaking, from time immemorial. The Duke of Chou in the early years of the Chou Dynasty, some three thousand years ago,[1] "revised, coördinated, and codified the laws," and the system and forms which he at that time approved "became a prototype of most of the characteristic features in Chinese public and social life down to recent times." [2] Thirteen hundred years later [3] feudalism was abolished and the centralization of the government was effected. During the next thousand years almost no innovations or alterations were introduced. The Mings [4] made a few changes, perhaps more clearly defining the relations of the chief executives in the provinces to the central government above and to the subordinate officials below. But practically no other alterations were made until the increase in intercourse with foreign nations rendered necessary a higher degree of centralization, this process beginning to take effect after the establishing of the foreign legations at Peking in 1860. During the fifty years between 1861 and 1911 there were introduced greater alterations in the machinery of government than had appeared during the preceding three thousand years. And yet, in 1911, the foundations of the Chinese political structure were substantially as they had been in the time of Chou.

The Manchu conquerors had continued the system of their predecessors. Not only that, they had left the

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and Administration; China Year Book, 1912, Chapter XIV, The Government.

[1] Chou Dynasty, 1122–255 B. C.

[2] Hirth, *op. cit.*, p. 193.

[3] Tsin Dynasty, 255–206 B. C.

[4] Ming Dynasty, 1368–1644 A. D.

administration, except for the central authority and in military affairs, largely in the hands of Chinese officials. As the official ranks were recruited from the degree men, as the Chinese had a far greater aptitude for scholarship than had the Manchus, and as the proportion of Chinese to Manchus in the population has been almost as one to fifty, this was both the natural and the practical thing to do. Mr. Morse, writing in 1906, said: "Of late years the proportion of Manchus holding Imperial appointments in the provinces has not exceeded one-fifth." [1]

The Chinese Empire has in modern times consisted of the Middle Kingdom, or the Eighteen Provinces; Manchuria, or the Three Eastern Provinces; and the dependencies, Mongolia, East Turkestan, and Tibet. This comprises an area of 4,278,352 square miles, in which there is a population estimated at all the way from 328,000,000 to 450,000,000 persons.

At the head of the government stood the Emperor, in theory an absolute and unlimited monarch. About him were the members of the Imperial Clan. He it was who appointed all the officials of the Empire.

Nearest the Emperor in the administration came the members of the Grand Secretariat and the Grand Council. After and below these bodies came six boards or departments, with duties corresponding essentially to those of modern ministries. These, together with various bureaus, made up the central administration. For every province there was appointed an executive head who was either a governor-general (viceroy) or a governor. Below these officials there were in the administration of the province always a high provincial treasurer and a high provincial judge; and there were also

[1] *Op. cit.*, p. 47.

salt comptrollers and grain intendants for certain administrative areas.

After the conquest, the Manchus stationed in each of twelve provinces, including the metropolitan province of Chili, and left in Manchuria, garrisons of their own troops. In each of eleven provinces they created the post of Tartar-general or generalissimo. The officers appointed to these posts, always Manchus, ranked "with, but before," the viceroy, and constituted a check upon his authority. They had command of the Manchu troops, and their presence, with that of the troops, was intended as a safeguard to the position of the dynasty. They had few duties, and their posts became in later days empty sinecures.

The provinces were divided into subordinate administrative areas known as *taos* or circuits; for each of which there was a *taotai* or intendant. Within the *taos* were *fus* or prefectures, each having a prefect; independent *chows* and independent *t'ings* or departments, each of the latter having a departmental magistrate who reported direct to the higher provincial authorities. Within the *fus,* the independent *chows,* and the independent *t'ings* were *hsiens,* dependent *chows* and dependent *t'ings* or districts, each with a magistrate who reported to the intermediate official above him.[1]

Down to this point all the officials were appointed from above and all commissions were from the Emperor, the actual choice in the lower ranks being made, how-

[1] Thus China proper, the Eighteen Provinces, was divided, according to Richard, into 95 *taos;* below which were 184 *fus,* 71 independent *chows,* and 26 independent *t'ings;* below which were 1,277 *hsiens,* 154 dependent *chows,* 32 dependent *t'ings,* and 4 dependent sub-*t'ings.*

ever, more often than otherwise by the superior provincial officials.

Within the *hsiens,* the *chows,* and the *t'ings,* which would correspond in a way to American counties, were the town and village organizations; and here the headmen and elders attained and held their positions by and with local popular approval.

Manchuria, the original seat of the Manchu authority, was left with a subordinate administration organized somewhat like that of China proper. Mongolia had its own peculiar organization, subject to a Mongolian Superintendency with headquarters at Peking. East Turkestan was made dependent on the viceroy of Kansu and Shensi provinces, and was organized under subordinate officials. Tibet was divided for administrative purposes into two parts, both ruled directly from China; one under the viceroy of Szechuen, the other under a special district governor with residence at Singingfu in Kansu Province.

This represents the hierarchy of officialdom substantially as it stood in 1860. Beginning with 1861, various changes were made—most of them, however, not until after 1901.

To the original six boards—of Civil Appointments, of Revenue, of Ceremonies, of War, of Justice, and of Works—there was added in 1861 the Tsung-li Yamen, to which was intrusted the conduct of foreign relations. The Tsung-li Yamen was abolished in 1901, when there was created in its place the Wai-wu Pu, or Board of Foreign Affairs, which subsequently became known as the Wai-chiao Pu. A Board of Commerce and a Board of Education were added in 1903. Conspicuous changes were initiated after 1905 when the Imperial Commission sent abroad to study government had made its re-

port. In 1906 a Board of Posts and Communications was added and the Board of War was reorganized as a Board of Military Affairs. A Board of Dependencies and a Board of the Navy completed the list, so that when these Boards were made Ministries in 1911 there were twelve in all.

The earlier boards had each a Manchu and a Chinese president, but it was ordered in 1906 that no distinction should be made, in the appointments, between Chinese and Manchus.

In the interval changes were being effected in the other instruments of the central government.

The Grand Secretariat or Inner Cabinet which had been the supreme council in the time of the Mings, had gradually acquired a mere honorific importance and became a court of archives. It contained, under the Manchu régime, six members, three Manchus and three Chinese, and had attached to it many secretaries. The leading viceroys were usually enrolled among its members.

The Grand Council, established in 1732, had gradually superseded the Grand Secretariat in importance and had become the actual Privy Council, Imperial Chancery, and Court of Appeals. It was composed of six members, these being usually heads of boards, and a considerable number of secretaries. It was presided over by the Emperor, and it was its business to give advice on matters of general administration. With the reforms of 1906 it was designated as the Council of State or Privy Council.

In 1907 there was created an Advisory Council which included all the members of the Grand Secretariat and of the Grand Council and the heads of all the boards. By decree of May 8, 1911, the three councils were

abolished and in their stead a cabinet and a privy council were formed. The boards became ministries and their heads constituted the Cabinet.

On the first of September, 1906, an Imperial edict was issued foreshadowing the establishment of parliamentary institutions. On August 27, 1908, an edict announced that a parliament would be convoked in the ninth year from that date. On October 31, 1909, an edict announced the arrangements for the membership of an Imperial Assembly which was to be constituted of two hundred members drawn from eight classes. In May, 1910, the appointment of members, one hundred of them from the newly created provincial assemblies, was announced. And on October 3, 1910, the Imperial, or National, Assembly met in Peking for the first time.

The central government thus consisted in the last year of the Manchu régime of: the emperor; a privy council; a cabinet of twelve ministers; and an assembly of two hundred members.[1]

While these changes were taking place in the machinery of the central government, there had been created in the provinces the offices of literary chancellor and commissioner of foreign affairs.[2]

In July, 1907, a special set of rules and principles for the provincial administrations was issued. This not only provided for the higher posts but it effected some-

[1] For an account of the Chinese Maritime Customs Service and the Post-Office see Morse, *op. cit.*, Chapters XII and XIII; and China Year Books.

[2] There were, then, finally in the provincial administrations, eight Viceroys, fourteen Governors, eighteen High Provincial Treasurers, eighteen High Provincial Judges, eleven Salt Comptrollers, and eight Grain Intendants. There were also in eleven provinces Tartar-Generals, and there were three Directors-General of the Yellow River and the Grand Canal.

thing of a reorganization of the prefectures, the departments, and the districts, with corresponding alterations in the lower officialdom.

By an Imperial decree of April 20, 1907, Manchuria was organized as three provinces along lines corresponding to those of the provincial administrations in the Middle Kingdom, with a viceroy and three governors. The Tartar-generalship was abolished and a special military commander was placed over the troops of the three provinces.

Peking had had, and retained, a separate civil government and a separate military organization. This arrangement is in many respects comparable to that made in the United States for the District of Columbia.

China has had no system of hereditary nobility. There are, however, a few titled families. The eldest males in direct descent from Confucius and from Koxinga (the pirate warrior who drove the Dutch from Formosa) have the title of Duke; those from General Tseng Kwo-fan have the title of Marquis; and those from Li Hung-chang have the title of Earl. Similar descendants of the eight "Iron-capped" Princes who cooperated in the Manchu conquest of China, and descendants of the thirteenth son of the Emperor Kanghi have titles. But these titles carry no special emoluments.

Titles of nobility attached to the members of the Imperial House in twelve degrees—but "in the thirteenth generation the descendants of Emperors are merged in the ranks of commoners."

The Manchu Imperial Clan is composed of those who can trace their ancestry directly to the founder of the dynasty. The members of the direct line wear a yellow girdle; those of the collateral branch wear a red girdle. But they have no important special privileges outside

those strictly appertaining to the government and conduct of the affairs of the Family. They have been amenable to the Imperial Clan Court rather than to ordinary courts.

The Manchu bannermen in Peking and in the garrisons in each provincial city were a privileged class in that, being in theory soldiers, they were pensioners of the government. In Manchuria, however, and outside the garrisons, they had no such privileged position. There are orders of nobility in Manchuria and Mongolia depending on local, not on Chinese, law.

Turning now from machinery, official gradations, and titles to the theory and practice of the government:

As a political organization China defies classification. The government was nothing less than a unique combination of democracy and absolutism. The Emperor stood as the legal and spiritual head of the state. In him was vested supreme temporal authority, and he was the intermediary between Heaven and his people. He was answerable to Heaven alone for his acts, but Heaven was considered to hold him rigidly responsible for the welfare of the people.

According to the Confucian and Mencian philosophy, which was the foundation of Chinese political thought, the Emperor ruled by divine right, but the theory of divine right was essentially different from that which has prevailed in continental Europe and from that of Japan. There was no idea of divine descent or of an inherent and interminable right. " . . . The old lawgivers . . . from the foundation of the Empire, made it the first maxim that the Emperor was the father of his people, and not a master placed on the throne to

be served by slaves." [1] The state existed not for the Emperor, but for the people. Mencius said: "The people are the most important element in the nation; the spirit of the land and grain are next; and the sovereign is the lightest." "Heaven sees as the people see; and Heaven hears as the people hear." The Emperor's responsibility to his office was as clearly laid down as was that of the English sovereign in the writings of Locke. "The Chinese say that the obligations to govern justly and to obey loyally are reciprocal, and they have no such conscientious scruples about deposing a bad Emperor as a respectable number of Englishmen manifested about deposing James II." [2] When the Emperor failed in the performance of his duties and the people suffered, it was considered that Heaven had withdrawn its favor; the ruler lost his divine right; revolution to overthrow him became not only permissible but a carrying out of the will of Heaven; and a successful revolution demonstrated by its success that the favor of Heaven had been transferred to its leaders. For a theory of divine right, very practical indeed!

The succession to the Imperial office was usually by direct descent, but it did not of necessity pass to the *eldest* son. Fitness rather than primogeniture was the rule. In the absence of a son, a choice was made among the princes of the Imperial Family. It was not positively known until near the end, or even after the end of a reign, who would be the successor.

Though in theory absolute, the Emperor's authority was actually limited. "No other ruler possesses as despotic power over as many people, but there is no ruler who is more careful than the Emperor of China to use

[1] Jernigan, *op. cit.*, p. 57.

[2] Jernigan, *op. cit.*, p. 56.

that power only as modified by the customs of his Empire." "In the administration . . . the principle is recognized that laws are the particular instrument of the legislator, while customs are the instrument of a nation in general, and that nothing tends more to produce a revolution than an attempt to change a custom by a law." [1]

China had in custom a substantial "unwritten constitution," much of this constitution being in fact written. As a guide to custom, the Emperor was able first of all to refer to the teachings of the Sages, from Confucius and Mencius down. There was also a large body of well-established precedent to be found in the edicts of previous rulers.

In the exercising of his prerogatives the Emperor was subject to the advice and even the restraint of his councilors and secretaries and of the censors.

The Chinese Censorate was a peculiar institution. The censors were a body of paid critics and informers whose duties were aptly suggested by the title given them, the "eyes and ears" of the Emperor. The body consisted of two presidents, twenty-four supervising censors attached to the Councils at Peking, and fifty-six ordinary censors. Appointments to this body were for an indefinite term, and a censor could hold no other office. In close touch with the provincial gentry, the censors were expected to report to the Emperor upon matters affecting the welfare of the people and the realm. They were to watch the conduct of officials, and they were privileged to note and to criticize the policies and acts of even the Emperor himself. Through them appeals might be made to the Emperor from the people against the officials and from sub-

[1] Jernigan, *op. cit.*, p. 33.

ordinate officials against their superiors. They also to some extent supervised the handling of criminal cases. They observed the working of the various boards and were sometimes dispatched upon various special missions. In theory exempt from punishment, supposed to criticize impartially and without fear, the censors could, and frequently did, wield great influence.

The people had the right of petition, and there was an obligation upon the Emperor to receive and read their petitions. "The history of China evidences that the agency of the petition . . . is a potent means of recalling Emperors from acts of remissness to a return to duty." [1]

In actual practice the Emperor was greatly influenced in his decisions by his personal entourage. By custom he was practically—in later years, at least—a prisoner within the palace, and thus his knowledge of the actual state of the realm was gained at second hand and was accurate or inaccurate according as he had trustworthy or untrustworthy representations made to him. This was one of the weakest features of his position and was the cause of much of the evil of certain reigns and of the undoing of more than one dynasty.

A final restraint upon evil or weak inclinations of the sovereign was the fact that his every act and word was recorded—to be brought to light and made use of, when his family had ceased to rule, by the historians who made up the final and official annals of the dynasty.

"A strong Emperor may assert his own will, and, given a suitable opportunity and a justifying emergency, may override the constitution as Abraham Lin-

[1] Jernigan, *op. cit.*, p. 58.

coln did under similar circumstances; but when an ordinary ruler tries it, the result is what happened in 1898, when [the Emperor Kwang-hsü] undertook to modify in a few months the developments of many centuries, and impatiently instituted reforms for which the Empire was not then ready." [1]

The Emperor was the source of all honors and appointments to office; in practice this system worked about as it does in other countries where patronage is the prerogative of the ruler. The peculiar feature of Chinese officialdom was that it was recruited almost entirely from among the holders of degrees obtained in the state examinations; thus the official hierarchy has been aptly described as a "civil service." The examinations were open to all,[2] and thus scholastic attainment was the first qualification for the candidate for an official career. Scholars who had successfully passed all the examinations were enrolled in the Hanlin College, and appointments to the Grand Council and the Boards were made from among the members of this group. Of course, in practice, ability to contribute substantially to revenues, sometimes private and sometimes public, frequently secured or served the purpose of a literary degree, and more often than not money was a determining factor in the matter of preferment. The possessor of a literary degree was supposed to be qualified for any and every sort of executive and administrative duty; and he had to accept full responsibility for his own acts and the acts of his subordinates. The principle of personal responsibility runs throughout Chinese life. The old literary examination system prevailed until 1905, when it was

[1] Morse, *op. cit.*, p. 51.

[2] There were some unimportant disqualifications.

abolished in favor of examinations including modern and practical subjects; but the officials are still chosen commonly from the ranks of the well-educated.

All officials down to the district magistrates were in theory appointees of the Emperor. It was the practice—with occasional exceptions [1]—not to appoint an official to a post in the province of his birth. This was a precautionary procedure intended to safeguard the government against revolutionary tendencies and to render the official immune to the pressure of family, property, and other local interests. It was expected that among strangers the official would be more impartial and open-minded, as well as more alert and less subject to influences peculiar to the Chinese social organization, than in his home environment. Thus the interests of all concerned, Emperor, official, and people, were to be best served.

It was also the practice in making these appointments to establish checks by placing in the same and in adjoining jurisdictions men of differing political factions. Especially from 1860 on there were two competing political groups: the Hunan Party—who were conservatives; and the Anhwei Party—progressives; while later the Canton Party became prominent. By placing adherents of these parties where they could observe each other the government undertook to safeguard itself against possible disloyalty and revolutionary tendencies, as well as to diminish corruption. Throughout the whole system the principle of equipoise was constantly and effectively employed. Officials were appointed for a term of three years, and only rarely was an appointment renewed more than once.

In 1877 Mayers wrote: "The central government

[1] Especially in military appointments and in Manchuria.

of China . . . is arranged with the object rather of registering and checking the action of the various provincial administrations, than with that of assuming a direct initiative in the conduct of affairs. . . . Regulations, indeed, of the most minute and comprehensive character, are on record for the guidance of every conceivable act of administration . . . " But, "the central government may be said to criticize rather than to control the action of the twenty-one provincial administrations . . . ," though wielding, of course, at all times the power of appointment and of immediate removal.

Although the pressure of foreign relations had by 1905 resulted in a greater degree of centralization, the looseness of the relations between the central and the provincial administrations still prevailed and by that time had become a source of weakness. Mr. Jernigan wrote in 1905: "The main idea that runs throughout the entire provincial organization is that each province exists as an independent unit and is sufficient unto itself. There is a resemblance between the provinces of China and the states of the American Union under the Articles of Confederation, and for practical purposes the provinces are as self-existent as were the states under those Articles."[1] Commenting on this suggested resemblance, Mr. Morse wrote in 1906: "The comparison with states would be more exact if for state were substituted territory, such as those of the American Union, which have their executive and judicial officers appointed by the central power and removable at its pleasure, but have local autonomy for the levy of taxes and the administration of the law. . . . The provinces are satrapies to the extent that . . . so long as the

[1] Jernigan, *op. cit.*, p. 42.

tribute and matriculations are duly paid and the general policy of the central administration followed, they are free to administer their own affairs in detail as may seem best to their own provincial authorities."[1] With these limitations, viceroys and governors were almost independent within their provinces, whence it followed that the character of the individual and the distance of his capital from Peking to a large extent determined the manner in which he exercised his authority. The great viceroys even organized their own armies and navies, while in the earlier years of foreign intercourse it was left to them to conduct negotiations with the troublesome newcomers.

Not only were these officials in a position of great independent authority; they were not held sufficiently responsible for the performance of their local duties and there was nothing to compel them adequately to coöperate with each other for common purposes. As a consequence, conservancy and similar works were neglected, or, if undertaken in one province without the coöperation of adjoining provinces, were often so much money and labor wasted. In 1894 the Nanking Viceroy had a fleet under his direction which he held safe and secure in the Yangtse River while the Northern fleet under the direction of the central government went to battle and was defeated by the Japanese.

The viceroys and governors were the links between the central government and the provincial administrations. The office of viceroy was a creation of the Mings. The viceroy exercised jurisdiction over two or more provinces. In some provinces he had direct administrative authority, there being no governor under him. This was the case, for instance, in Chili and in Szechuen.

[1] Morse, *op. cit.*, p. 59.

In other cases, one or more of his provinces were administered by a governor. In some instances, a governor held office without having a viceroy over him. The Chili viceroy was, in addition to his other duties, trade commissioner of the northern ports, and the Nanking viceroy was trade commissioner of the southern ports. The viceroys and governors were held responsible for the entire administration of the jurisdiction to which they were assigned.

The official lowest in rank of those appointed from above was the most important as far as the actual conducting of the administration was concerned. The *hsiens, chows* and *t'ings* (districts) were the "civic, political, judicial and fiscal units" of Chinese life, and the district magistrate was "to a great majority of the people . . . the embodiment of all the essentials of the government." Speaking of the *hsien* magistrate, Mr. Colquhoun says: ". . . Indeed as the last link in the long official chain which connects the Imperial throne with the peasant's hut, there is nothing that concerns the life of the people which does not concern this hard-worked official." [1]

Although he was assisted by a complete staff of secretaries, collectors, clerks, sheriffs, jailers, runners, and so forth, the district magistrate was personally responsible for everything that had any relation to government within his district. He was the court in civil cases and to some extent in criminal cases; he was police magistrate; he was responsible in part for the tax collections; he was registrar of land; he was famine commissioner; he was responsible for official buildings, official temples, city walls, prisons, bridges, roads, and schools; he had to maintain the government courier

[1] Colquhoun, *op. cit.*, p. 58.

service within his district; he must organize and maintain philanthropic institutions; he was responsible for public order, public welfare and public morals.[1]

From the district we have not far to go to find the democratic element in the Chinese organization—for, though it may be said to have made its first appearance at the very gates of the Imperial Palace, it became conspicuous in the town and village organizations within the district. The Chinese monarchy was a patriarchally organized institution, the state essentially a great political family modeled on the social unit. The village was nothing more than an expanded family group—in addition the village was self-governing.

"It is to the single family that the number of families is added which makes the village, and it is from the group thus formed that a head man (*ti-pao*) is selected by the inhabitants as practically the arbiter of disputes and the dispenser of justice. . . . By the additions to the family unit a little principality, as it were, is formed, which custom has invested with the habit of local self-government, and through that medium a democratic element is introduced. . . . The Emperor is the head of the government, but the family is its base. . . . In the family life may be seen the greater life of the Empire. . . . The family unit gives the semblance of unity to the Empire." [2]

Just as "the American citizen has few direct dealings with any but his township officials, so long as he pays his taxes and is law-abiding, and officially hardly knows of the existence of the Federal Government," the same "may be said also of the Chinese villager." [3]

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[1] Morse, *op. cit.*, pp. 69–72.

[2] Jernigan, *op. cit.*, p. 34.

[3] Morse, *op. cit.*, p. 48.

The village, even the district, and to no small extent the province had its own laws and its own customs. There was a criminal code which applied throughout the Empire, and, of course, Imperial edicts meant to apply generally did in theory have force everywhere. But in most civil matters, even to fiscal arrangements, there was little standardization; uniformity was the exception, local regulations the rule, elasticity invariably apparent. The government, though patriarchal, was not paternalistic. It did not wish to be bothered with local problems and had no thought of meddling in them. Probably in no other large state have the two principles, local autonomy and *laissez faire,* ever been as consistently observed as in the government of China.

So long as China was isolated, the one and only great Middle Kingdom, with none but insignificant and harmless tribes of "outer barbarians" beyond her borders, this system was fairly satisfactory, though not conducive—whether because of its own inherent faults or the lack of the stimulus of competition—to progress. But when pressure began to come from without; when it became necessary, in order to satisfy the demands of foreign nations, for the government to *control* the provinces and the people within the provinces, and, in order to resist the aggressions of those same foreign nations, to be able to marshal and unite the forces of the Empire; the decentralization, the lack of uniformity, the absence of a sense of mutual interests and obligations, the habit of independence, and the natural disinclination to subordinate local interests to the necessities of the nation proved sources of hopeless weakness.

The government long—too long—tried to meet the

situation without increasing the pressure of the central authority. When finally it adopted a policy of centralization it met with the opposition which it had anticipated and feared. The resistance to the tardy efforts to centralize was, however, due not alone to local disapproval of that policy; it was a result also of dissatisfaction with the personnel of the rulers and with the conditions which prevailed throughout the official system.

The revolution, which resulted in the overthrow not only of the Manchus but of the monarchy, was, like revolutions which had preceded it over and over in Chinese history, a protest against corruption, misrule and inefficiency on the part of the ruling family—together with many of its official "servants"—and the consequent deplorable state of the realm. In this case the situation was aggravated by complications which were the result of pressure from without; while the makers of the revolution were inspired by the example of better conditions which they had observed in other countries and under other systems, were alarmed over the dangers which they saw menacing the country as a result of the inability of the incumbent officials to combat successfully the disintegrating tendencies of the competition between other systems and their own, and were bent upon eliminating the alien dynasty and restoring the control of their country to Chinese hands.

CHAPTER III

CHINA: RECONSTRUCTION AND REBELLION. STEPS TOWARD A CONSTITUTION

As far back as 1908 the Manchu government had issued a body of articles indicative of what it intended to make the contents of a constitution. It had then promised that a constitutional government would be established in 1917. The Provisional Assemblies and the National Assembly had immediately demanded that a constitutional régime be inaugurated at an earlier date. After prolonged controversy the Manchus had promised that the change should be effected in 1913. Still the country was not satisfied—and the revolution came on as we have seen. On November 3, 1911, when the country was already in arms, and after they had made Yuan Shih-kai their prime minister, the Manchus promulgated a constitutional promise in the form of a document known as the "Nineteen Articles." In this it was provided that the powers of the Emperor should be limited by a constitution which was to be drafted by the Advisory Council; that the power of amending this constitution should be vested in parliament; that members of the Imperial House should be ineligible for seats in the cabinet; that the cabinet should be responsible to parliament; that parliament should have the control of the budget; and that action for the making good of these promises should be taken at once by the Advisory Council. These concessions came, how-

ever, too late. Although the Advisory Council at once put the articles in force and the Regent resigned, giving full control to Yuan Shih-kai as premier, the revolution was on and the people had no longer any confidence in the promises of the government.

Within a month after the outbreak of the revolution, fourteen provinces had declared themselves independent of the Manchu government. The leaders in these provinces soon realized that a central government was necessary, and took steps accordingly. A convention was summoned, which met at Shanghai and later removed to Hankow. On November 3 this convention drafted a set of articles for the conduct of a provisional government. This provided for the election of a president by representatives of the military governors of the provinces, the convention undertaking on its own authority to act as a legislature until such assembly could be convened. It was also resolved that Nanking should be made the seat of the provisional government, and upon the capture of Nanking the convention removed to that city. Before leaving Hankow, the convention elected General Li Yuan-hung as chief executive.

On December 30 this convention, then in session at Nanking, elected Dr. Sun Yat-sen, by a vote of sixteen out of seventeen, as president of "Republican China," with General Li Yuan-hung as vice-president. An Advisory Assembly was promptly organized, and this body held its first formal meeting on January 28. On February 12, 1912, the Manchus issued their edict of abdication. Dr. Sun, in conformity with the agreement which had been reached between his representatives and those of Yuan Shih-kai, tendered his resignation and recommended that Yuan be elected provi-

sional president of the Republic [1] in his place. On February 15 the Assembly by unanimous vote elected Yuan provisional president, with General Li as vice-president. After much contention it was agreed that Yuan should be allowed to take office in Peking and that Peking should remain the capital, but the Assembly insisted upon laying down rules of procedure for the transferring of its governmental authority to Peking. The Assembly also proclaimed, on March 10, simultaneously with the inauguration of Yuan as provisional president, the provisional constitution upon which it had been working. Finally, the members themselves having proceeded to Peking, the Assembly took up its functions at the capital on April 29.

The Provisional Constitution of March 10, 1912,[2] was a stumbling block to progress and a thorn in the side of the President during the next two years.

The restrictions which it put upon the provisional President, together with the conception of their rights and duties entertained by the members of the Kwo-ming party who dominated the Assembly and were in opposition to Yuan Shih-kai, resulted, as was inevitable, in a conflict between the chief executive and the legislature, a conflict which, after two years' duration, was brought to a close only by the dissolution of the opposition party.

The first clash came over the construction of a cabinet. Yuan wished a cabinet of talents. The Southern leaders insisted upon a party cabinet. Yuan had his way, as he has been doing ever since.

Trained in the old school, an astute politician and statesman, knowing the traditions, the ideals, and the

[1] Of all China.

[2] For a translation of the Provisional Constitution of 1912 see *China Year Book*, 1913, p. 489 ff.

mind of the people, a believer in centralized authority, possessing to an extraordinary degree the confidence and loyalty of officials, officers and soldiers who had served under him in former years, Yuan soon began to replace the young officers, and frequently inexperienced civilians who had come into power during the revolution, by his own men and other officials who had had experience under the old régime. The Southerners, who had made and fought the revolution, were greatly chagrined and became increasingly hostile when they found themselves deprived of the spoils of office which they had taken unto themselves when they had expelled the Imperial officials from city after city and province after province.

In the summer of 1912 two Southern officers who had gone from Hankow to Peking were, upon information telegraphed by Vice-President Li, seized at Yuan's orders, court-martialed and shot. Yuan had incontrovertible evidence that these officials had been plotting against the new régime; but the opposition made much capital of their execution as an evidence of the tyrannical attitude and unrepublican frame of mind of the provisional President.

Dr. Sun and General Huang Hsing were persuaded in August to come to Peking for consultation with the President. There, incidentally, these two rebel leaders, who more than any others had been responsible for the revolt against the Manchus, were fêted and eulogized by leading members of the resigned Imperial Family. After consultation with Yuan Shih-kai they announced that they were satisfied with his loyalty to the principles of the revolution and would support him. It subsequently developed that they were already plotting for his overthrow.

During 1912 and the early months of 1913 there was a new alignment and a new formation of political parties. Most important was the change of the Tung-meng Hui, the old revolutionary party, into the Kwo-ming Tang, the Citizens' or People's Party. To the standards of this party the radical republicans rallied, and Sun and Huang were its leaders. Elections to the new National Assembly were held in the winter of 1912-1913, and the Assembly met in Peking in the first week in April, 1913. A prominent leader of the Southern Party had been assassinated in Shanghai a few days before, and many Southerners charged that Yuan's government was responsible for the murder. The weeks immediately preceding the opening of the Assembly were marked by feverish activity on both sides in the endeavor to secure control of the majority of votes when the Assembly should convene. Prices of members' votes were openly quoted in Peking. Yuan, having so far failed to conclude the big loan with the Six Powers Syndicate, resorted to a number of small loans from European firms in order to secure funds for insuring adequate support in the Assembly. Many observers were looking for an explosion, in more senses than one, when the Assembly met, but the gathering began its work in comparative quiet. Shortly a loan was concluded with the bankers of five powers, including Japan, the United States having withdrawn. The Assembly protested against this loan as not having been authorized by itself, but the governments of the foreign powers having substantially backed Yuan Shih-kai, the bankers were ready to sign this loan with Yuan's government without the sanction of the legislature. Thus new resources came into the President's hands.

The incidents of the preceding summer, the murder of Sung at Shanghai, the conclusion of the loan, and the expulsion of various Southerners from office, were made the chief grounds of complaint by agitators in the South who were now actively and almost openly planning to rebel. Finally Yuan's command to the military governor of Kiangsi province to give up his office, together with his sending northern troops into that province, caused the governor in question to resort to armed opposition. This spark kindled the rebellion of the summer of 1913. Huang Hsing at once threw the whole of his influence into what was designated "a punitive expedition against Yuan Shih-kai." Sun Yat-sen joined—it was reported in certain quarters that he was forced to do so at the muzzle of a pistol—openly denounced Yuan as a traitor to the republican cause, and thereby forfeited the respect and confidence which he had up to that time enjoyed among foreigners and the more conservative of the Chinese. The rebellion was altogether premature, futile in its conception, an evidence of lack of statesmanlike qualities on the part of its leaders, and an indication that their much-vaunted love of country was a cloak for personal self-seeking. When the ex-Manchu general, Chang Hsun, obedient to Yuan's orders, and not without a pocketful of gold, marched southward and took the city of Nanking, the rebellion immediately collapsed. Huang Hsing ran away at the first indication of personal danger, and, together with Dr. Sun Yat-sen and many others of the prominent Southerners, sought refuge in Japan. There a number of them have subsequently actively bestirred themselves with plans for a third rebellion.

The great struggle over the constitution had begun in January, 1913, when the President submitted to the

Assembly a set of regulations for organizing a Constitution Drafting Committee. The Kwo-ming Party opposed these proposals on the ground that the drafting of the constitution must be left to the Assembly which, then in process of election, was soon to convene. At the same time the question as to whether the election of a permanent president should take place before the constitution was adopted became an issue. The supporters of the government maintained that a state might exist without a completed formal constitution but not without an organized and recognized government. The Kwo-ming Party contended that the president's office must be created by, and the president's powers be limited by, a constitution. They were seeking to establish every possible check upon the personal power of Yuan Shih-kai, and they succeeded in preventing the adoption of the President's proposals.

The new National Assembly, convened in April, after a few weeks elected a committee of sixty, in which the Kwo-ming Party was preponderatingly represented, to draft a constitution. Professor F. J. Goodnow, who had been appointed by the government as Constitutional Adviser, had already arrived from the United States, but his services were little sought by the youthful and radical republicans who dominated this committee. In the summer occurred the rebellion, to which we have referred, which was promptly suppressed, followed by the flight to other lands of a large number of the Kwo-ming Tang leaders. In October the Chin-pu Party, supporting the President, succeeded in securing the passing in the Assembly of laws for the election of a permanent president.

This law provided that natives of China, above forty years of age, possessed of the full franchise, and hav-

ing been resident in China for above ten years, should be eligible for the presidency. The election was to be effected by the two Houses of the National Assembly in joint session, with a quorum of three-fourths of the members, and by a vote of two-thirds majority. The presidential term should be five years and the president should *not* be elected for two terms in succession. At the same time it was provided that until the adoption of a permanent constitution the provisional constitution should continue in full force.

The government then succeeded in forcing the Assembly to elect a president, the suggestion that foreign intervention was impending having proved a powerful weapon for the securing of this end. The election was held on October 6. Of the 850 members of the Assembly, 759 were in attendance, and on the third ballot Yuan Shih-kai received 507 votes and Li Yuan-hung 196, some members having left the House. Thus Yuan was elected to the presidency. On the next day Li Yuan-hung was elected vice-president. The inauguration was held on October 10, 1913, the second anniversary of the beginning of the revolution.

Several American republics, including the United States, had already recognized the Chinese Republic, and now the European powers and Japan promptly gave their recognition. The Republic, with Yuan as its president, thus acquired an internationally recognized legal status.

The installation of Yuan Shih-kai as permanent president marked the defeat of the Kwo-ming Party and foreshadowed the fate which was shortly to overtake it. The President soon proposed for the consideration of the Assembly three amendments to the provisional constitution, which were intended to remove restrictions

which hampered his activities. These the Constitution Drafting Committee rejected entirely. Then the President sent his representatives to the Committee to participate in the discussion of their draft, and the Committee refused to listen to these representatives. On October 26 the constitution drafted by the Committee was submitted to the Assembly. The Committee had undertaken to lodge supreme authority in the legislature, thereby tying the hands of the President. The theory underlying the draft constitution which it had produced was that of cabinet government. While influenced to some extent by French as well as by English practices, the draftsmen had sought to avoid the centralization which prevails in the French system. They contemplated in a confused way a system of administrative law and administrative courts. Yuan Shih-kai objected to the limitations put upon the executive, the great authority given the legislature, the provisions for administrative law, and the establishing of a permanent parliamentary committee; and he appealed to the country against the work of the Kwo-ming Party as exhibited in the document which its committee had produced.

The response to the President's appeal was a flood of telegrams from the provinces denouncing the draft constitution and in no few cases demanding the dissolution of the Assembly. Having obtained the recognition of the powers, having overcome a rebellion and scattered its leaders, having secured a permanent election, and being armed with this new expression of public opinion, Yuan was now in a position to act firmly and if necessary drastically. He therefore determined to break up the Kwo-ming Party. This he did on November 4 by declaring the Kwo-ming members expelled from the Assembly and their party dissolved. If ever

a party created the necessity for its own destruction the Kwo-ming Tang had done so. The draft constitution went at once into the wastebasket, the National Assembly was rendered incapable of action because of the absence of a quorum, and the President became in fact the government.

That he was able to effect this coup without an outbreak was evidence that Yuan was firmly in the saddle. It now became possible to proceed with some assurance of success to the problem of constitutional reorganization.

CHAPTER IV

CHINA: THE PROVISIONAL CONSTITUTION AND PROVISIONS FOR A PERMANENT CONSTITUTION

With the elimination of the Kwo-ming Tang, the problem of constitution drafting was simplified. The government was able to propose plans and to act according to its own views of what the country required. There was immediately circulated throughout the country for discussion a constitutional draft which had been prepared by Professor Goodnow, wherein an ingenious plan was provided by which, beginning with a presidential system, the government might gradually and without revolution be transformed to the parliamentary system.

For some time it was thought that the President would restore the Assembly by causing new members to be elected to fill the seats from which the Kwo-ming Tang members had been ejected. Before action on this matter, however, the President decided to summon a body of experienced men to give him counsel and assistance, and, in conformity with this decision, he and the cabinet members and the provincial governors respectively appointed representatives. Seventy-one such delegates, constituting a council designated as the Administrative Conference, assembled formally in Peking on December 26, 1913.

The President, in an address before the Conference, indicated what he considered the object of its creation:

"I am convinced that it is necessary to gather the ideas and opinions of the majority of the people. With this in view I call the Conference so that the delegates can coöperate with the government in the work for the promotion of the national welfare." It was made clear by the chairman that the Conference was expected to act in an advisory capacity and that it was not to consider itself empowered to impose its will on the government.

Two measures of importance were soon recommended by the Conference: first, the formal dissolution of the Assembly; second, the creation of a special conference to amend the provisional constitution. Although it had originally been intended that the Administrative Conference should function for but a short time, the government decided to retain it until a substitute body should have been provided for. Consequently, the Administrative Conference continued to function until June 5, 1914, by which date a Council of State had been created to supersede it.

The dissolution of the Assembly was decided upon only after the opinions of the governors of the provinces had been sought and a joint telegram signed by all the governors had urged the dissolution. The Assembly was condemned because, having proved itself incompetent and obstructionist, and having sat nine months instead of four, it had accomplished nothing beyond the squandering of several million dollars. In an account of it, Liang Ch'i-ch'ao says:

> For more than twenty days it [the Assembly] could not elect a speaker, and over a hundred days elapsed before it was able to draw up rules and regulations for its own procedure. For a long time the absence of a quorum and the irregular attendance of the members became an almost every-day occur-

rence, and when there was a quorum the members quarreled with each other like a lot of old ladies from the country and behaved like naughty school boys. Before dispersing each day the members wasted half the day in wrangling about unnecessary things. With a salary of $6,000 per annum, none of the members seems ever to have given a thought for the benefit of the country. . . . We may have a great love for parliamentary institutions, but we love our country much more. . . .[1]

It was urged that the salvation of the country demanded action instead of wrangling over theories and forms, and that authority to act should for the time being be vested in the President. On January 10, then, acting on the recommendation of the Administrative Conference, the President formally dissolved the Assembly, promising at the same time to convoke later a new parliament in accordance with the stipulations of the provisional constitution.

The dissolution of the National Assembly was followed, on March 1, by the dissolving of the provincial assemblies and local self-governing bodies throughout the country. Thus China became for the moment a "republic without representative legislatures," but the change was on the whole welcomed by the people.

When the President asked the Administrative Conference to consider the question of amending the provisional constitution, his message pointed out the defective and embarrassing features of that instrument: he declared that he had for two years submitted to its humiliating and impracticable conditions, he referred to his efforts to secure relief at the hands of the Assembly and to the perversity and neglect of that body, and he asked that the Conference should make suggestions looking to amendments. On January 6, 1914, the Con-

[1] The *Justice*, Vol. I, No. 15, July 1, 1913.

ference reported that it considered it more convenient to revise the provisional constitution than to draft a new document; also that a separate body should be created to take this matter in hand. There followed, in accordance with the rules drawn up by the Conference and promulgated by the President, the creation of a Constitutional Compact Conference, whose duties and powers were to be confined to the revising of the provisional constitution and the drafting of other important and necessary laws supplementary thereto.

The Constitutional Compact Conference was composed of representatives *elected*—in theory at least: two from each province; four from the city of Peking; eight from Inner Mongolia, Outer Mongolia, Tibet, and Turkestan; and four by the National Chamber of Commerce. The qualifications both for eligibility to election and for participation in the election were placed very high. There were made eligible as voters: citizens who are or have been high officials; masters of arts or higher graduates who have accomplished something in literature; college students who have studied for three full years; and those who possess property valued at $10,000 and who have done something for the public welfare. There were eligible for election: those who have been high officials for five years or more and who have good records in administration; college students who have studied politics and law for three years or more; and well-known scholars who have written practical and useful books. Obviously the government was in a position, through the governors of the provinces, to determine in large measure the composition of the new Conference and, consequently, the work of the Conference.[1]

[1] This Conference is still in existence. Dec. 31, 1915.

The Constitutional Compact Conference began its work in Peking in March, 1914. The government placed before the Conference certain suggestions for the amending of the provisional constitution, explaining that: existing conditions made the amending imperative; it was the expectation of the President that the Conference should not go too far; the alterations must be satisfactory both to the government and to the people; the President must be released from the subjection to the Assembly which was implied in the constitution as it stood; the cabinet members must be made dependent upon the President; provision must be made for the issuing of urgent orders and for dealing efficiently with financial questions; and the problem of the ultimate drafting of a permanent constitution must be kept in mind. The Conference went ahead with its work at once and at the end of April submitted a revised provisional constitution, which was promulgated by the President on May 1, 1914.

The revised provisional constitution, designated as the "Constitutional Compact of the Chinese Republic," [1] greatly enlarged the power of the executive, limiting the competence of the legislature in proportion. In commenting upon it, the *North-China Herald* said: "The real point for emphasis is that for the past two years the government of China has been in a more or less fluid state which it was necessary to crystallize; and in achieving this process, the Constitutional Compact Conference has produced that kind of a system which accords best with the necessities of the country."

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[1] Still in force, December 31, 1915, though necessarily about to be changed.

The new instrument gave the president authority to convene and dissolve the legislature, to initiate legislation and submit financial estimates, to issue orders—with the consent of the Council of State—when the legislature was not in session, to determine the official system and appoint and dismiss both civil and military officials, to make treaties, to declare war and conclude peace, to control the army and navy, to confer titles of nobility and honors, and to grant amnesties and pardons.

It provided that a legislature should be created, to consist of a single House, elected by the people, the methods of election and the organization to be decided upon by the Constitutional Compact Conference. As a precautionary measure it was undertaken to make this body subordinate to the will of the executive by the provision that the president might—with the concurrence of the Council of State—refuse to promulgate an act even though the legislature might twice have passed it.

The president was made the chief of the administration. He was to be assisted by a secretary of state and nine ministers, the latter to be heads of administrative departments: namely, Foreign Affairs, Interior, Finance, War, Navy, Justice, Education, Agriculture, and Commerce and Communications. The secretary of state and the ministers should be entitled to sit and speak in the legislature, and should be liable to impeachment by the censors before the Court of Administrative Justice.

The courts should be composed of law officers appointed by the president, their organization, and so forth, to be determined by statute. Administrative law proceedings and other special law proceedings were

to be conducted according to a special body of law.

A Council of State, for deliberation upon important questions, should be provided for by the Constitutional Compact Conference.

In finance, the president was given extensive control: certain estimates might not be rejected by the legislature except with his consent; under extraordinary circumstances he might make urgently needed appropriations; and under ordinary circumstances, if the new estimates were not acted upon by the legislature, the appropriations of the previous year should remain in force. A Board of Audit should be provided for by the Conference.

The permanent constitution should be drafted by a committee of ten persons elected by the Council of State; the draft made by this committee should be passed upon by the Council of State and then submitted by the president to a National Convention for final adoption. The National Convention should be provided for by the Constitutional Compact Conference, and the Convention should be convoked and dissolved by the president. The constitution should be promulgated by the president.

In supplementary articles it was provided that laws already in force and not conflicting with the Constitutional Compact should remain in force; that regulations already in force for favorable treatment of the Emperor, the Imperial Clan, the Manchus, Mongols, Mohammedans and Tibetans, should never be altered; and that until the legislature should have been convoked, its powers and functions should be assumed and discharged by the Council of State. There was also a provision for amendment.

This, then, is the instrument of government in accordance with whose provisions the efforts toward reconstruction have, since May, 1914, been carried on.[1]

The next matter with which the Constitutional Compact Conference concerned itself was the creation of the Council of State. The organization of such a body had been suggested by Dr. Goodnow as early as February, 1914. It was then contemplated that the functions of this Council should ultimately be advisory only, but during the interval between the dissolution of the Administrative Conference and the creation of the legislature they were to be legislative as well—and provisions to this effect were embodied in the revised constitution. In May the Constitutional Compact Conference worked out provisions for the organization. The Council was to consist of seventy members, appointed by the president. The vice-president was to be the speaker. Among its duties, it should rule upon doubtful points in the provisional constitution and all laws in connection therewith and should decide in cases of dispute arising between the executive and the judiciary. It should be a body of reference for matters on which the president might desire guidance, especially matters concerning treaties and the establishing of administrative offices, reforms, and educational and industrial development. It should have the right to initiate legislation by means of formal suggestions to the president, bearing ten or more members' signatures. It will be seen at once that its position is in theory not unlike that occupied in fact by the United States Senate in the early years. The Council represents Yuan Shih-kai's

[1] Supplementary laws have been enacted, as *infra*. It is expected that the National Convention will draft a new constitution early in 1916.

conception of a legislative body suited to present needs, and it is expected that when the permanent constitution is adopted it will remain a part of the machinery of the government, becoming perhaps a second chamber of the legislature.

The President appointed a conservative-minded body of men and the Council of State began its work in Peking on June 20, 1914. The most important of its early acts was the recommendation that the law for the election of the president which had been passed by the Assembly in October, 1913, should be considered by the Constitutional Compact Conference with a view to amendment.

It was necessary to alter the presidential election law for the reasons that, as the Council pointed out in its recommendation: the law provided that the president should be elected by a joint session of both Houses of Parliament—while now there was to be but one House of Parliament; the law provided that in case the president was unable to act, the vice-president first, and then the premier, was to succeed to his duties—whereas now there was to be no premier; and, the law provided that the duties of the president should be those prescribed in the provisional constitution—whereas now the then provisional constitution had been superseded by another. The President submitted the recommendation to the Conference, which in turn referred it to a committee of fifteen of its members. After due consideration, an amendment was framed, passed upon by the Conference, and, on December 26, promulgated by the President.

The revised law for the election of the president consists of fifteen articles. It provides that male citizens forty years of age and of twenty years' residence shall

be eligible for the presidency; that the president's term of office shall be ten years, and that the term may be extended; that before each election the president shall nominate three candidates for the succession; that there shall be an electoral college composed of one hundred members, fifty of whom shall be from the Council of State and fifty from the legislature; that in the electoral college three-fourths of the members shall constitute a quorum and voting shall be by single ballot, while a two-thirds vote shall be required for election. If, during the year appointed for the election of the president, two-thirds of the members of the Council of State decide it advisable, the then president shall be allowed to continue in office for another term. The provisions for the vice-presidency are similar, except that the nomination of candidates for the vice-presidency lies with the president.

These provisions, taken collectively, are original and unique, an innovation in the method of choosing a chief executive. The Constitutional Compact Conference explained and justified them, in a memorandum, as follows: With regard to the nomination system, "at the time when the government begins to be built up, it takes several decades to carry out one fixed policy before the country can be consolidated. If the president does not nominate his candidates . . . during the frequent changes of the head of the state, then cunning people will contend for the presidency, and it is greatly to be feared that the fixed policy cannot be continuously carried out. . . ." The reason advanced for the extension of the term was this: "Since the establishment of the Republic . . . there are innumerable matters of business awaiting transaction. . . . China is one of the largest countries in the world, and as such it is impos-

sible to achieve any result in three years. Only a long term will enable the president to establish the government firmly." In defending the composition of the electoral college, it was argued: "The Council of State is a special legislative organ, while the legislature is to be organized by the people themselves. The members are well qualified and have great experience in administration, and they truly represent the people." As to the provision that the Council of State may extend the term of the president, it was declared: "At every ten years the president shall be changed once, but should it be deemed unwise to change the president on account of special circumstances, this rule will meet the emergency."

The promulgation of these clauses, rendering the presidential office enormously powerful, aroused little surprise and occasioned little adverse comment among the people. In conformity with the provision authorizing the president to nominate candidates for the succession to the presidency and the vice-presidency, Yuan Shih-kai prepared a list of his nominees, and this list was deposited shortly in a strong box, locked and sealed, on an island in the lake adjoining the presidential palace.

While dealing with the presidential election law the Conference busied itself also with the question of provisions for the election and organization of the legislature. The government had proposed to it that the legislature should not contain more than three hundred members and had intimated what were its views as to the qualifications for electors and candidates respectively. On July 4 the Conference appointed a committee of five members to draft the law. This committee drafted separate laws for the organization and for the

election, and submitted its work to a larger committee of fifteen. The drafts were approved by the Conference and were proclaimed as law by the President on October 27. A bureau to have charge of the election of representatives to the legislature was then established. This bureau prepared, and there were issued by the President on March 9, 1915, four sets of regulations to govern the coming elections.

The provisional constitution provides that the legislature shall consist of one House. The law for the organization of the legislature provides that there shall be two hundred and seventy-five members, with a term of four years. Forty members are to be elected from the central electoral college; two hundred and two from the provincial electoral colleges, apportioned as follows: ten each from ten provinces, nine each from six provinces, and eight each from six provinces; nine from the special administrative districts, as follows: four from Shungtien (Metropolitan District), two from Jehol, one from Suiyuan, one from Charhar, and one from Szechuen frontier; with sixteen from Mongolia, six from Tibet and two from Chinghai. There shall be one session each year, beginning on September 1 and ending on December 31, but the president is authorized to extend the session for not more than two months, or to call a special session. The secretary of state, the ministers, and special representatives of the president shall have the right to attend the sessions and to speak. Three readings shall be required for the passage of important bills. And the president shall have, according to the provisional constitution, absolute veto power.

The election law deals, in the course of thirteen chapters, first with the qualifications of electors, and then with methods of election. The qualifications of voters

vary. In all cases the minimum age is thirty years. To be an elector in Peking one must: be a resident and have rendered meritorious service to the country; or have been a high official; or be a recognized scholar; or be a graduate of a college, or possessed of qualifications equal to those of a graduate; or have taught in a college for two years or more; or possess immovable property to the value of $10,000; or be a prince of hereditary title or rank in one of the eight Banner Corps. Citizens residing abroad who are possessed of a capital of $30,000 in commercial or industrial concerns may be electors in the central electoral college, but to vote they must, apparently, come to Peking.

In the provinces and special administrative districts, to be an elector one must have one or more years' residence and must: have been a high official; or be a graduate of a high school, or be possessed of a similar education; or have a capital of $5,000.

In the eight Banners in the Metropolitan District one must be a graduate of a high elementary school, or have an equal education; or possess movable property to the value of $5,000.

In Mongolia, Tibet, and Chinghai, one must be of princely or hereditary title or rank, or be otherwise distinguished, educational and property qualifications not being specified.

To be eligible for seats in the legislature, candidates must be males, above thirty years of age. In the primary electoral districts a candidate must have had at least two years' experience in official posts; or be a graduate of or student in a college; and must possess immovable property or capital to the value of $10,000. There are eligible at large: those who have rendered meritorious service to the nation; those of five or more

years' experience as officials; learned scholars; graduates of colleges; college teachers of three or more years' experience; and owners of immovable property or capital to the value of $30,000. In Mongolia, Tibet, and Chinghai, princes, dukes, and all others who are qualified as electors are eligible.

The right to be a candidate is to be suspended in the case of the active secretary of state and the various ministers of the cabinet; the active chairman of the Council of State; the chief judge and councilors of the Administrative Court; the chief censor and assistants of the Censorate; the chief and assistant auditors of the Bureau of Audit; the chief of the Bureau of Mongolian and Tibetan Affairs; the active administrative officials of the provinces and special administrative districts; the active judicial officials; military and naval men, either active or on the reserve; police officers in active service; and monks, priests and other religious functionaries, except these last in Mongolia, Tibet, or Chinghai.

Election is to be by the direct method in the central electoral district and in Mongolia, Tibet and Chinghai; and by the indirect method in the provinces and special administrative districts.

Obviously a legislature composed of members elected from a thus limited group of candidates, returned by such an electorate, and having so many restrictions upon its powers, will lack certain of the characteristics which popular conception associates with the legislative body in a republic. It is worthy of note, however, that here, as in the plan for the choice of the president, the makers of the Chinese constitution have not blindly followed the models of Western constitutions; they have, on the contrary, subordinated demands of theory and of

consistency between the instrument and its name to the demands of the conditions with which they have to deal. The men who have been making China's constitution have sought to devise machinery suited to the needs of China as she is and necessarily will be for some time to come. The *Peking Daily News* has said of the provisions for the legislature: ". . . The Legislature may be expected to develop on progressive lines, changing with the times and the conditions . . . until ultimately a form of government is realized which will meet the requirements of a later age."

The next product of the Constitutional Compact Conference was a body of rules for the organization and election of the National Convention. Here again the government first suggested principles which it desired to see followed, the Conference referred the suggestions to a committee, the committee reported, the Conference appointed a drafting committee, this committee drew up the rules, the Conference approved, the government accepted, and, on March 12, 1915, the President proclaimed. A bureau was then established to look after the election and organization of the Convention, and the head of the bureau for the election of the legislature was directed to take charge of this election also.

The chief provisions of the law relating to the Convention deal with the apportionment of membership, the methods of election, the qualifications of candidates, and the powers of the Convention.

The members are to come from the following sources: twenty each from the legislative, the executive and the judicial departments of the government; forty from the central electoral constituency; two hundred and two from the provinces; nine from special administrative dis-

tricts; and twenty-four from the dependencies—making three hundred and thirty-five in all.

Members from the central body, special administrative districts and dependencies are to have the same qualifications and to be elected by the same methods as those provided for membership in and election to the legislature. Members from the legislative department are to be elected by and from among the members of the legislature, or, if the legislature has not yet been established, by and from among the members of the Council of State, the election being conducted by the Minister of the Interior. Members from the executive department must have qualifications similar to those required for candidacy for the legislature in the provinces, must be administrative officials in the Metropolitan District, and will be chosen by election, the election being conducted under the supervision of the chief judge of the Administrative Court. Members from the judicial department must be judicial officials in the Metropolitan District, and they will be chosen by election, the election being conducted under the supervision of the Minister of Justice.

It will be the business of the Convention, as provided by the provisional constitution, to pass upon the constitution which shall have been prepared by a special drafting committee. The Constitution Drafting Committee is to consist of ten persons elected by the Council of State. The draft which this committee makes is to be examined and passed upon by the Council of State, after which it shall be submitted by the President to the National Convention. The Convention may amend the draft, but resolutions for this purpose must first have been referred to a committee and there have been approved by a two-thirds vote, after which their

passage will require a two-thirds vote of a three-fourths quorum. No ordinary motion may be put until seconded by twenty members, and no proposal for amending the draft constitution until seconded by forty members. The Convention is to sit for but four months, and if within that time it has not adopted a constitution it is to be dissolved by the president who will then summon another Convention. It has obviously been intended that the Convention be dominated by the government and that the constitution be satisfactory to Yuan Shih-kai. Except for the possibility of some little adverse public opinion, it may be considered an advantage to have the constitution as an instrument of government conform to Yuan Shih-kai's and his adviser's conceptions of the needs of the country. As a product of this group it is bound to be conservatively and carefully drawn, it is likely to be workable, and its adoption will probably be facilitated and expedited. Japan's constitution was the product of draftsmen appointed by the Emperor. Prince Ito, acting for the Emperor, knew the needs of the country, and he drafted a constitution far more satisfactory than could have been produced by any body of men which might at the time have been assembled in Japan as the result of a free vote of even a limited electorate. It is futile to expect that a country which has been an absolute monarchy shall be suddenly transformed into an ideal indirect democracy.

The educated and the wealthy classes—and until recent times the two have been practically identical in China—have always been regarded among the Chinese as the natural repository of administrative authority. The provisional constitution of 1914 and the supplementary laws provide the machinery for nationalizing the authority of those who qualify in these classes,

whereas it has heretofore been localized. They look to the establishing of a real and efficient legislature, representative of the whole country even though it may not be representative of all parties and of all classes of the people. A larger and, in theory at least, more popularly elected parliament, the National Assembly of 1913, has already had its trial and been found wanting.

Upon the ruins of an absolute monarchical system the government has been endeavoring to construct a carefully limited autocracy which shall have the approval and favor of the aristocracy. Membership in the aristocracy in China depends neither on birth nor on appointment, it comes of brains and achievement. There is no caste system; there are no legal bars preventing any man from qualifying for participation in the political life of the state. The government of China has long been a curious combination of autocracy and democracy, and such, for a long time, it will remain—no matter what the name—whether the state be organized as a republic or as a monarchy.

CHAPTER V

CHINA: POLITICAL PARTIES AND PARTY POLITICS

China has already since the revolution passed through several phases of political readjustment. The old monarchy was succeeded by republicanism. The radical element which came temporarily into power in the South expected to control the destinies of the new republic. The radicals were, however, soon replaced by moderates, with a progressive-conservative "dictator" in the presidential chair. Now, it seems, the presidential chair is to give place to a throne, the republic to be succeeded by a new monarchy. That there was reaction was not surprising. There is always reaction when enthusiastic reformers and inexperienced or self-seeking officials and counselors have gone too far. There was reaction in 1898, and anyone can now see that the sweeping and immediate changes for which the Emperor's reform policy called would have weakened if not wrecked the state. In the present instance the surprising thing about the reaction has been not that it came, but that it came so soon, so steadily, with so little commotion and with so great moderation.

The revolution was the product of the activities of political societies. The overthrow of the Manchus was the work of the radicals. The elimination of the radicals in favor of conservatives was to a considerable extent due to the impatience, the ill-advised self-confidence, the political cupidity, and the obstructionist tac-

tics of certain of the factions and parties which were formed after the revolution by members of the former political societies. The republican government was dependent for its success or failure upon the character of the support which would be accorded it by some of the political groups and the ability which it might itself manifest in dealing with the opposition which would continue from others. To understand the changes of the past four years, especially the prospective return to monarchy, we must have in mind certain facts in the history of these societies and parties.

Political parties as they are organized and as the term is now understood in Western countries were unknown in China before the revolution. In a monarchy which has no representative system there is no sphere for and no conception of "parties" in the sense in which the term is applied in the Occident. There may be factions, more or less conscious, more or less organized, the followers of this or that statesman, the advocates of this or that policy, but not parties. There may be revolutionary, reform and other societies with political programs—but these also are not *parties*. There have been of course all of these in China. Thus there were a half-century ago the "Hwai group" or "Anhui men," the followers of Li Hung-chang, and the "Siang group" or "Hunan men," the followers of Tseng Kwo-fang. Later we have the strong group of personal adherents whom Yuan Shih-kai during his years as a resident of Korea, governor, viceroy and grand councilor, attached to himself. Contemporaneously we have roughly speaking the "Southern" and the "Northern" parties, or, more specifically, the "Cantonese" and the "Anhui" groups. There have always, in practically every dynasty, been political factions and secret

societies, and the influence of these alignments and organizations has at times resulted in revolutionary changes. But until 1912 there had been no society organized as are western political machines and calling itself a party.

During the period of impending change which began with 1898 there arose a number of political associations, some organized with a view to effecting definite reforms, some actively engaged in the planning of revolution. There were, broadly speaking, two views as to how reform should be effected. According to one group the monarchy must be made constitutional but the Manchus should retain the throne. According to the other the Manchu Dynasty should be swept away—after which the Chinese, or, more specifically, the makers of the revolution, would establish a new government and work out a new system.

After the failure of the reform program of the Emperor in 1898, some of the leading members of the reform group carried on a propaganda of political education from Japan and other countries to which they had fled. Without any definite organization, the followers of these leaders were known as the Li-hsien Tang (Constitutional Party), but they later became known as the Pao Huang Hui (Society for the Protection of the Emperor). Most prominent among those advocates of constitutional monarchy were Liang Ch'i-ch'ao and K'ang Yu-wei. Most prominent of the revolutionaries was Dr. Sun Yat-sen.

In the same years, between 1898 and 1901, the advocates of revolution began to organize, the headquarters of their activity being Tokyo. There were various branches of each of these groups. Thus, of the former,

there were two,[1] which had as their chief purpose the study of political science. They advocated reforms, they suggested the organization of political parties, but, being composed of scholars, chiefly of the old school, and having nothing to do with the practical politics of the country, they were not political parties. As to political creed, they might be called the moderates, or constitutional conservatives, while the revolutionaries would be called the radicals.

After 1900, both groups began to publish, chiefly in Tokyo, literature which was widely circulated both among the Chinese abroad and in China. The best known of the papers of the constitutionalists was the *Sing-ming Hsung-pao,* or Popular Enlightenment Magazine, edited and published by Liang Ch'i-ch'ao. Liang believed that China should have a government something like that of Prussia under Frederick the Great, or that of Russia under Peter the Great, but he frowned upon the idea of revolution. The best known of the revolutionary papers was the *Ming Pao,* or People's Magazine, which held that the Manchus must be driven out.

The doctrines advocated and the classes appealed to by the two groups respectively were very different. The moderates advocated a peaceful evolution through the establishing of a constitution and constitutional practices. Their literature was read by old scholars, the officials and literati, and students. The radicals maintained that nothing short of the overthrow and elimination of the Manchus would achieve the salvation of the country—for the reason that the Manchus were incapable either of effecting reforms themselves or of al-

[1] The Tsen-wen Hsieh (Political Discussion Society) and the Hsien-tsen-nien-kiu Hui (Constitutional Study Society).

lowing the Chinese to effect them. Their publications were read by young students, the more or less modernized Chinese abroad, and others who had come especially under the influence of "Western" and new ideas, especially those who had a smattering knowledge of Western history, of the American and the French revolutions, and had gained therefrom various conceptions of "democracy," "liberty," "natural rights," and other unoriental political doctrines. The literature of these groups soon began to have its effect, both educational and political.

At the same time the lessons which the Empress Dowager and the court had learned from the experiences of the Boxer uprising and attendant events of 1900 led to practical results. In 1905 the Imperial Commission was sent abroad to study constitutions and governments, and in 1906 the government launched its program of reform. The constitutionalists voiced their sentiments in 1909 and 1910 by repeated demands for a parliament. The radicals were responsible for sporadic outbreaks at various points in 1906, 1907, 1910, and finally the revolution in 1911. The revolutionary elements had been definitely organized and announced themselves in 1905 under the name Tung-meng Hui (Alliance Society). The Manchus were unable to adapt themselves to the rapidity with which new ideas were making themselves felt, and they did not realize the facts and the necessities of the situation until too late.

The radicals, although they achieved their end and drove the Manchus from the throne, were of too heterogeneous a mind, and were too far removed from an intimate understanding of the still conservative temper of the country, to be able to command the confidence of the whole people and to carry on a program of recon-

struction. Sun Yat-sen's resignation in favor of Yuan Shih-kai was an admission of his and his party's consciousness of their inability to meet the needs of internal conditions and of their recognition that they had not the confidence of the foreign powers. Yuan Shih-kai had the confidence of the North, of the conservative elements throughout the country, of the constitutionalists, and of the foreign governments. Radical leaders, although they hated and mistrusted him, admitted that Yuan was the one man whose control of affairs might be considered promising of success. As provisional president, Dr. Sun had been from the very first confronted with the problem of disposing of, among his supporters who represented several different societies, the "spoils" of the revolution. Both for personal reasons and for party reasons it was highly expedient that the South and the North, that the various factions, be reconciled. Naturally, the peace negotiations followed—and the compromise was effected: Yuan accepted the revolution and the republic; the South accepted Yuan. The revolutionaries—which now meant the South, that is, the Tung-meng Hui—lost no time in organizing themselves as a political party, with a definite platform. Although they had given up the name of office to Yuan, nevertheless their object was to control Yuan and to make him the instrument for the carrying out of their political principles. Ultimately they would eliminate him. When the reorganization of the Tung-meng Hui took place, a considerable number of recruits from the old official class joined the party. Unfortunately for both, many of these officials had unsavory reputations, and with their accession no few of the better members already within the party withdrew from its ranks.

The new party insisted upon the principle of responsible government and undertook to compel Yuan Shih-kai to choose a party cabinet. Yuan actually appointed five Tung-meng Hui men as members of his first cabinet, in March, 1912, among these being the Premier, Tang Shao-yi, one of the new members of the party. Had they been content with this, the party might have gradually intrenched itself in power. Insisting, however, upon a strict party alignment, they came into conflict with Yuan's determination to have a cabinet of his own choosing and responsible to himself alone. Checkmated at the outset, the Tung-meng Hui cabinet members resigned in June, 1912, and from that time to now there has been continuous warfare—although a truce was declared in August of that year—between the leaders of that party and the President.

When, after the fall of Nanking, the question of making peace with the North was raised, there had been four views among the Tung-meng Hui members. The opinion of some favored yielding absolutely to the North. Others advocated yielding as a temporary measure. A third group proposed that the governors of the provinces should be elected by the people, and that the powers of the provincial assemblies should be increased. Here we see the evidences of the sentiment for decentralization and provincial authority which had been one of the forces working in opposition to the later policy of the Manchus.

The fourth group busied themselves with the practical political aspects of the situation. First of all they reorganized the society, and the Tung-meng Hui was first declared a political party on March 3, 1912, with Sun Yat-sen as its director. Its declared objects were the consolidation of the Republic and the diffusion of

democratic ideas. Its political platform called for centralization of power; development of local government; fusion of the five population elements; state socialism; equality of sexes; obligatory military service; reforms in taxation and public finance; efforts toward national equality; development of natural resources; furthering of agricultural and colonizing enterprises; and, finally, insistence upon responsible cabinet government.

With parts of this program the party might have succeeded had its leading members been anything like as able statesmen as they had been agitators, and had not the party received numerous accessions from undesirable elements. With five members in the first cabinet they had a splendid opportunity, but with the breach with Yuan and the resignation of these members, followed by obstructionist tactics in the Assembly, the opportunity was thrown away.

At a great party meeting held in Peking on July 21, Sung Chiao-jen, one of the leading members of the party, made a speech denouncing the government as incapable of benefiting the country and declaring that none but a party government organized by the Tung-meng Hui could prove satisfactory. There is no doubt but that many of the members of the party were honest in their advocacy of a responsible cabinet system, believing that the concentration of power in the hands of the President would but pave the way for him to make himself a dictator. At the same time there were many others who were thinking only of the victor's right to spoils. And there is also no question but that the methods employed by the party then, and subsequently as the Kwo-ming Tang, were both ill-advised and, from the point of view of practical statesmanship, hopelessly shortsighted.

While the Tung-meng Hui was setting out upon the course which led to its destruction, other parties were being organized. Early in 1912, Tsai Ao,[1] the military governor (*tutuh*) of Yunnan, a disciple of Liang Ch'i-ch'ao, organized a party[2] with a program emphasizing the practical aspects of fiscal questions and practical constructive reforms and developments.

Another party[3] was organized at Wŭchang by General Li. Still another[4] was formed by influential officials at Peking. These groups and two others drew together after the reorganization of the Tung-meng Hui (in March), and were soon in opposition to the radicals. They were more conservative than the Tung-meng Hui and favored a government based on talents. Their moderate attitude attracted to their membership many scholars and officials, and they became the support of the President. Their amalgamation to form a new party, the Kung-ho Tang (Republican Party), took place in May.

For some time Tsai Ao's party[5] held the balance in the Assembly and when the two larger groups were in conflict was able to swing decisions one way or the other. As time went on, however, some of the members of this group became more and more radical, and in the readjustments which came in the summer of 1912, the founder and some of the more moderate members left the party and went over to the moderates who were in opposition to the Tung-meng Hui; the remain-

[1] Now leading the Yunnan rebellion.

[2] The Tung-yi Kung-ho Tang (Coalition Republican Party).

[3] The Ming She (People's Society).

[4] The Kwo-ming Hsie Hui (Citizens' Coöperation Society).

[5] The Tung-yi Kung-ho Tang.

ing members ultimately joined the Tung-meng Hui.

Still another party was organized in March, 1912. Chang Ping-lin, the well-known editor of a revolutionary paper, had been, since 1905, a member of the Tung-meng Hui. As a result of a difference of opinion with Dr. Sun and Huang Hsing, whom he afterwards condemned as lawless rebels, he left that society while the revolution was still going on and became the founder of a party which took the name Tung-yi Tang (Coalition Party).

Also early in 1912 a group of men from among the reformers of 1898 who had subsequently become known as the constitutionalists, organized a "Society for studying the establishing of a Republic." [1] During the cabinet crisis of July-August, 1912, the leaders of this party declared that the one thing which the party wished was the organization of a strong centralized government. The name Ming-chu Tang (Democratic Party) was adopted soon after. The party was composed largely of scholars, and the members concerned themselves with the future, aiming at the development of qualified republican citizenship. The party platform, written early in 1912 by Liang Ch'i-ch'ao, who was still in Japan, had a widespread influence in shaping public opinion. It emphasized the fact that there must be preparation for and an education in party practices before party government could safely be adopted; that China's weakness was due to long pursuit of *laissez-faire* policies, hence a policy of governmental interference and paternal administration should be adopted; that for this end a strong centralized government was essential; and that China should shape her institutions in accordance with world experience and tendencies.

[1] The Kung-ho Chien-hsieh Taulun Hui.

The drawing together of the rival elements led the Tung-meng Hui to a practical step to strengthen its position. This was nothing less than an amalgamation, or rather an absorption, proposed by Dr. Sun Yat-sen and Huang Hsing, while in Peking in August, 1912, by which there were united to the Tung-meng Hui five other parties. Sung Chiao-jen was put in charge of the negotiations. The need of uniting for the approaching parliamentary elections was urged. On August 23 the amalgamation was effected and the new party came into being as the Kwo-ming Tang (Nationalist Party).[1] Thus the Tung-meng Hui increased itself and, under a new name, continued its activities.

The Kwo-ming Tang was a real and substantially organized party. The chief items in its declared policy were: to maintain the union of the North and the South; to develop local government; to encourage the adoption of socialistic principles; and to maintain satisfactory relations with foreign powers.

One of the first acts of the Kwo-ming Tang was to attack the government because of the execution of two Southern military men at Peking on August 16. These men had been denounced by the Vice-President, General Li Yuan-hung, and the Kwo-ming Tang members in the National Council moved that Li be impeached. The moderates defeated the motion, and the government threatened that if the Kwo-ming Tang pressed the measure it would be forced to produce evidence which would incriminate other members of the party—whereupon the effort for impeachment was discontinued.

The party next induced the acting Premier, Chao Ping-chun, to become a member, and in so doing it departed from its adherence to the principle of party gov-

[1] Kwo-ming Tang may also be translated Democratic Party.

ernment upon which it had been insisting, for Chao was heading a non-party cabinet.

The formation of the Kwo-ming Tang, and its initial activities, led to a more formal organization of the Kung-ho Tang on September 1, 1912. The members of this party became the backbone of the opposition to the Kwo-ming Tang. Chang Shao-tseng now became director and a little later the party was reinforced by the accession of many of the prominent members of the old Pao Huang Hui and the Ming-chu Tang, among whom, in October, was Liang Ch'i-ch'ao, who had just returned from his long exile in Japan. The political program of the Kung-ho Tang was: to bring the whole country under a uniform administration and to strengthen the authority of the central government; its policy was, in short, nationalism.

There were, then, at the end of 1912, two leading parties in the field, the Kwo-ming Tang (National Party) and the Kung-ho Tang (Republican Party), which had in the process of their construction absorbed most of the smaller parties and seceders from the remaining groups. The most important party development in 1913 was the amalgamation of the Kung-ho, the Tung-yi and what remained of the Ming-chu Tang to form the Chin-pu Tang (Progressive Party).

When the National Assembly opened on April 8, 1913, the Kwo-ming Tang had an easy majority in the Upper House and a substantial minority in the Lower House. As long as the other parties were disunited the Kwo-ming Tang could easily dominate the Assembly. It was, then, to make an effective opposition that the three leading moderate groups came together. The formal amalgamation was effected on May 29, and the name Chin-pu Tang was adopted. Li Yuan-hung was

elected director, and Liang Ch'i-ch'ao, Dr. Wu Ting-fang, Chang Chien, and six others were given the leadership of the party.

While the election to the Assembly had been going on in January and February, there had been rumors that Sun Yat-sen and Huang Hsing were planning another revolution, and finally a telegram had been sent by the *tutuhs* of Yunnan, Kwangsi, Kweichow and Szechuen, telling the President that certain Kwo-ming Tang members were organizing a rebellion. The Kung-ho Tang newspapers declared that the Kwo-ming Tang leaders were negotiating with the Japanese and had pledged extensive concessions and even political control in certain provinces in return for assistance to be given them for carrying on a revolution.

Toward the end of February the President received a memorial signed by many of the *tutuhs* proposing the formation of a committee to draft a constitution. The Kwo-ming Tang leaders at once challenged the right of the executive to interfere in the drafting of the constitution. In March an incident occurred which gave the Kwo-ming Tang the opportunity to make complaints more likely to appeal to popular opinion or prejudice. On March 21 Sung Chiao-jen, by that time the acknowledged leader of the party, was shot by an assassin as he was taking train at Shanghai for Peking to attend the coming meeting of the National Assembly. The incident was seized upon by the Kwo-ming Tang leaders as the occasion for a violent denunciation of the government, which they charged with having instigated the murder.

When the Assembly met in April the situation was critical because of the open and fierce hostility of the Southern leaders to the President, while fuel was added

to the flames shortly when the government concluded the Quintuple Loan.

The first thing which the new Assembly did was to fall to contending over the election of speakers. After the election was effected at the end of April, the Sung Chiao-jen case and the question of the foreign loans were made the subjects of heated discussion. The Kwo-ming Tang leaders had insisted that the loan question be referred to the Assembly, and when the government signed the loan without thus submitting it, the speakers of the Senate appealed the matter to the provinces in a statement seeking to arouse an expression of popular disapproval of the government. The Kwo-ming Tang members forced resolutions through both the Senate and the House, declaring the loan illegal and the contract void. Four of the Kwo-ming Tang *tutuhs* denounced the government, and Sun Yat-sen telegraphed to London warning the public that the consummation of the loan would mean civil war. The President issued two mandates on May 3, presenting the government's side of the case and declaring that he would no longer tolerate treasonable agitation. A joint telegram from thirteen *tutuhs* designated the four Kwo-ming Tang *tutuhs* and Huang Hsing "rebels," and the General-in-chief of the Fengtien troops telegraphed that he was ready to go south and suppress the Kwo-ming Tang "rebels." Throughout April and May numerous memorials came in from mercantile organizations urging the President to take strong measures for the security of trade, which was suffering because of the rumors of impending rebellion. The merchants of Shanghai appealed to the Assembly to check the flood of seditious literature which was flowing from the Kwo-ming Tang press. In the middle of May it became

known that large numbers of Northern troops were being moved to Hupeh to strengthen Li Yuan-hung's position at Wuchang, whence a strong detachment was sent to Kiukiang to watch the situation in Kiangsi.

The formation of the Chin-pu Tang in May gave the President a strong support. At a party meeting on June 14, the chairman, Liang Ch'i-ch'ao, outlined its policy in a way that constituted a distinct defiance of the Kwo-ming Tang. He announced that the party had decided to nominate Yuan Shih-kai as candidate for the permanent presidency; that the party did not consider the government responsible for the death of Sung Chiao-jen; that it considered the action of the government in making the foreign loans expedient and legal; and that its only concern with the loans was to see that the money received was properly expended.

The Kwo-ming Tang at first denounced the new party as a creature and slave of the President, but before long it began to seek to effect a compromise. The Chin-pu Tang stuck to its policy of supporting the President, and the Kwo-ming Tang was able to make no headway by peaceful political methods.

Toward the end of May the President threw down the gauntlet to the opposition. In June two mandates were issued, cashiering one Kwo-ming Tang *tutuh* and "promoting" two others to frontier posts. The cashiered governor then took up arms on July 12, and the second revolution was on. General Huang Hsing at once issued a bombastic proclamation announcing a "punitive expedition" against the President, and declared Nanking independent. The misguided insurgent troops made no kind of showing against the government troops except in a futile attempt to take the

arsenal at Shanghai, and after two weeks it was evident that the rebellion was doomed to failure, whereupon Huang Hsing was the first to flee the country. The recapture of Nanking by the government troops early in September brought the uprising to an end. The punitive expedition had in no sense appealed to or had the support of the substantial classes, and without the military support of Li Yuan-hung, Chu Jui—the *tutuh* of Chekiang, and Chang Hsun, all of whom remained loyal to the government, it had no chance whatever of success. As soon as the rebellion was crushed the President appointed Hsiung Hsi-ling, one of the reformers of 1898 and now a member of the Chin-pu Tang, premier, with a very well selected cabinet.

The government then brought pressure to bear on the Assembly[1] to proceed to the elections, and Yuan Shih-kai was, on October 6, chosen permanent president, with Li Yuan-hung as vice-president.

The rebellion had been instigated and launched by the Kwo-ming Tang leaders. Even as far back as April and May the President had been urged to suppress that party, but he was not then or even during the rebellion ready to go that length. Finally, however, having come into possession of conclusive documentary evidence that many of the Kwo-ming Tang members of the Assembly had participated in the revolutionary activities, he decided, after consultation with his Cabinet and various of the authorities in the provinces, to order the party dissolved, which he did on November 4. From then until the present the Chin-pu Tang, at once conservative and progressive, has been the leading party in Chinese politics.

[1] Especially employing reference to serious aspects of the international situation.

The documents which incriminated the Kwo-ming Tang members showed that even before the murder of Sung Chiao-jen the party had laid its plans to oppose Yuan Shih-kai at every turn and to nullify his authority if he were elected permanent president. They showed also that various Kwo-ming Tang members of the Assembly had been in receipt of regular and substantial subsidies from the Kwo-ming Tang provincial governors. From the moment when the Assembly opened the Kwo-ming Tang members had neglected no opportunity to embarrass the President and manifest contempt for him; at the beginning they refused to have his address read; and the climax was reached when in October they refused to admit his delegates to the final sessions of the Constitution Drafting Committee. Though the rebellion had failed, the party remained irreconcilable, and the constitution which its members were drafting was unsuited to the needs of the country and calculated to render the government absolutely impotent. The President had decided, therefore, that the welfare of the nation rendered the elimination of this dangerous obstructionist element imperative. The effect of the dissolution of the Kwo-ming Tang was to leave more than half the seats in the Assembly empty—while the will of the President became law.

Since its dissolution there have been various reports of the secret activities of the Kwo-ming Tang. At numerous points in foreign countries, but especially in Japan, and to some extent in the Philippines, the leaders who fled have organized societies, whose purpose has been the carrying on of opposition propaganda.

In the course of later developments the Kwo-ming Tang leaders seem to have disagreed and the party to have been split into two factions. The reaction to the

presentation of the Japanese demands to the Chinese government in January, 1915, made known in February, evidenced and emphasized this disagreement. One faction still insists upon opposition to Yuan Shih-kai and revolution at the earliest possible moment. The other seems to have gathered some political wisdom and to possess some sense of the needs of the country. Members of the latter persuasion telegraphed from many points abroad urging popular support of the President and unified national opposition to the Japanese demands. Although this is an encouraging sign, it will be necessary to observe the actions of the members of this group further before it will be possible to rely upon the sincerity of their expressions. We know of the insincerity of the pledges of loyalty to the President which some of them made in August, 1912; and it has been reported on excellent authority that, simultaneously with the sending of an open cable last March urging the party to support the government in resisting Japan, the most prominent of the leaders of this faction was asking a well known American publicist to write articles denouncing Yuan Shih-kai. The unanimity, however, with which Chinese opinion both at home and abroad rallied to the support of the President in the negotiations with the Japanese speaks well for the rising sentiment of national patriotism which is discernible in the contemporary politics of China. In January, 1915, the government pardoned many of the members of the Kwo-ming Tang who had been proscribed as a result of the rebellion of 1913, and no few of these temporary exiles have already returned to their homes. This is an indication not only of a liberal disposition on the part of the government but of the administration's confidence in the security and strength of its own po-

sition. The constitutional developments have been during the past year along lines dictated by and satisfactory to the administration and the conservative-progressive party—which represent the better thought of the substantial classes.

After all the welter of party organizing and party strife which the past four years has witnessed, there may be said to exist at present but two political parties: the Kwo-ming Tang (Nationalist Party), which continues its activities *sub rosa* and is for the present powerless; and the Chin-pu Tang (Progressive Party), which is, as far as any party may be said to be, in power, supporting the President but leaving the determination of policies to him. Several minor parties have either formally disbanded or quietly dissolved. The opposing lines of internal political policy, as represented on the one hand by Kwo-ming Tang theories and on the other by Chin-pu Tang practice, are substantially a projection of the difference which existed before the revolution. On the one hand, there is insistence upon local autonomy and decentralization, manifesting itself in opposition to the government, with plans for revolution, and the apparent belief, in some quarters at least, that China is capable of being transformed suddenly into a representative democracy organized along the lines of a federal republic. On the other, we find insistence upon a strong, centralized government, putting national above all other interests, manifesting itself conservatively, with a comprehension at once of the condition of the country, of the character of the people and their institutions, and of the forces and influences which must be taken into consideration by practical statesmen dealing with practical problems. In its endeavors to establish a new system, the government is not neglecting the background

of the past which must be made the foundation of the edifice which it rears; it is considering the conditions and needs of the nation—for whom the structure is being built; and it has an eye to the future which will determine the ultimate design.

Whether or not we believe that "a people has the kind of government which it deserves," we cannot escape the truth of the proposition that governmental machinery must be suited to the character and the condition of the people for whom it is designed. In China we have a people of peaceful and civic tendencies, engaged in most part in agricultural pursuits, their industrial organization of a very simple character, their mercantile class extensive but engaged in "small business." The people desire peace, order, and opportunity to go about their business; most of them know little of and care less for participation in politics; they have no extreme views with regard to "liberty, equality and fraternity"; their view of "natural rights" is that men have a right to live, eat, and propagate; they have never asked for the franchise; they have always possessed the right, by the route of education, to enter the ranks of officialdom if they so desired. They are glad to be rid of the domination of the alien Manchus. They regard the revolution as a natural occurrence, a manifestation of history's repetition of itself. They consider that their race, the Chinese, has come back to its own in that a Chinese now sits in the seat of authority in Peking. They have no inclination to insist upon the niceties of republicanism. And they abhor the idea of another revolution—which to them means more fighting, more disorder, destruction, waste and inconvenience.

The problems of China's foreign policy are such that the government needs the united support of the whole

people. The question of national existence is more important than that of the immediate introduction of imported political machinery.

Considering the question from a variety of angles, we are led to the conclusion that neither is China ready for party government nor is there in existence any party which would be qualified to assume the responsibility of conducting the affairs of the country. Examining closely the conduct of those who have been struggling professedly for the establishment of party government, it is reasonable to conclude that the battle which they have waged has been largely in the interest of personal ends. In so far as the efforts of these are sincere, their insistence upon the policy which their party advocates is largely the result of erroneous and inadequate comprehension of what is practical and what is possible in politics. For the present the country needs a stable and centralized government. A régime which will guarantee law and order internally and which will give the greatest promise of defending the integrity of the country is the first and greatest necessity. To secure and insure such a government and to support such a régime seems to be the object of the men around Yuan Shih-kai, and these men, regardless of party affiliations, are the "party in power."

CHAPTER VI

CHINA: THE RETURN TO MONARCHY[1]

IMMEDIATELY after the conclusion of negotiations with Japan in May, 1915, the leaders of the Chin-pu Tang, now the most influential of the political parties in China and the support of the government, memorialized the President, asking him to hasten the convening of the National Assembly. It was argued that the position of the government would be strengthened by the existence of this body. The President straightway, on May 25, issued orders that the census lists of voters qualified for the primary elections should be completed by September 13. In July the President issued a further mandate directing the bureau concerned with preparations for the election of representatives to the National (Constitutional) Convention to hasten its work.

The Council of State had been instructed on July 1 to appoint the Committee of Ten for the drafting of a permanent constitution. The Council at once made its appointments and the President announced the membership. The Committee held its first meeting on July 31. It was announced that in all probability the draft of the constitution would be ready by the end of the year; and the Chinese press chose to believe that the existing provisional constitution and its supplementary

[1] The author is indebted to the editors of the *Review of Reviews* for permission to use portions of an article which appeared in the February, 1916, number of the (American) *Review of Reviews*.

laws would be made the basis of the work. The governors of the provinces were to be taken into consultation, and particular deference was to be paid to the views of Dr. Goodnow as Constitutional Adviser. It was reported early in August that the elections would be held in January and February and the convention be summoned in March, 1916.

Thus far had the legal reconstruction gone when, suddenly—as far as the outside world is concerned—there began to come rumors that the Chinese were discussing the possibility and advisability of reverting to the monarchical form of government. Inasmuch as there are not lacking those who attribute the origin of the back-to-monarchy agitation to the government, it is at least significant that the preparation of the machinery by which the proposal, in the issue, was "referred to the people" was being hastened by the government at the very moment when the suggestion that the question be considered was insistently put forward. At the same time, this cannot in any sense be taken as conclusive evidence of the complicity of the government. For, in view of the fact that the time was approaching when the final step in the organization of the republican government was, seemingly, about to be taken, it was natural that any group interested in averting this consummation and preferring some other form of government should at that moment come forward with counter proposals.

For several weeks there had been whisperings and echoes of whisperings in Peking on the subject of monarchy, monarchy versus republicanism, the desirability of China's returning to monarchy. Then there appeared in one of the local papers an account of an alleged conversation between the President and one of

the provincial military governors, in which the President was represented as having said that he was utterly opposed to the idea of the monarchy, that he certainly would not serve as Emperor, that he had no desire to establish a dynasty, and that he considered none of his sons competent to succeed himself.

The talk, however, went on, and the discussion finally came into the open with the organizing of a "Peace Planning Society," or "Society for the Devising of Permanent Peace."

Conspicuous among the organizers and leaders of the new society were some of the close friends and supporters of Yuan Shih-kai. The society began its propaganda with the publication, on August 16, of a long manifesto in which it made much use of certain known views and alleged recent utterances of Dr. Goodnow. It was represented that Dr. Goodnow had said: "A monarchical system of government is better than a republican system." This the Peace Society made the text of its manifesto. It made telling use of references to the situation in Mexico as illustrating the difficulties of a weak republic with a populace ignorant of political affairs.

Two days later, on the 18th, the *Peking Gazette* published an interview in which Dr. Goodnow declared that in being made to appear as categorically favoring the monarchical system he had been misrepresented. A restoration of the monarchy in China would, in his opinion, be justified only in case: (a) the change were acceptable to the thinking people of China and to the foreign powers; (b) the succession to the throne were fixed so that no doubt could arise as to who would succeed; and (c) the monarchy were constitutionally limited, with large powers vested for the moment in the crown, but

with provision for the gradual development of a more popular government. He declined to give an opinion as to whether the conditions could be met in China at the present time.

Dr. Goodnow had submitted a long memorandum to the President, dealing with the advantages and disadvantages of various types of government, illustrating from examples both historical and contemporary. In the course of this, he said:

> China is a country which has for centuries been accustomed to autocratic rule. The intelligence of the great mass of its people is not high, owing to a lack of schools. The Chinese have never been accorded much participation in the work of government. The result is that the political capacity of the Chinese people is not large. . . .
>
> It cannot, therefore, be doubted that China has during the last few years been attempting to introduce constitutional government under less favorable auspices than would have been the case had there been a royal family present which the people regarded with respect and to which they were loyal. . . .
>
> It is, of course, not susceptible of doubt that a monarchy is better suited than a republic to China. China's history and traditions, her social and economic conditions, her relations with foreign powers all make it probable that the country would develop that constitutional government which it must develop if it is to preserve its independence as a state, more easily as a monarchy than as a republic.[1]

In the interval, the *Asia Jih Pao,* a Chinese newspaper, published a statement ascribed to Yuan Shih-kai, in which the President declared that he was unwilling to become an Emperor under any circumstances. As for the proposals and propaganda of the Peace Society,

[1] See Appendix I.

he said, such suggestions had been made long before the society was organized; the question of what is the best form of government was such as ought to be studied by the scholars of the country; and so long as the society did not cause disturbance in the country, he would not be likely to object to its existence.

The opposition to the proposed change came chiefly from the South—whence has come most of the opposition to measures originating in or favored in the North. But no effective opposition leadership was developed. Dr. Sun Yat-sen is in Japan and is discredited. Huang Hsing is also out of the country—an exile. The expressions of opposition came in the most part from newspapers and from members of the dissolved Kwoming party; also from business men who were not so much opposed to the monarchy as to change, feeling that change would disturb business. The foreign newspapers published in the settlements in some cases favored and in some cases opposed the change, the chief ground urged for opposition being the danger of disturbance which would ensue. The *Peking Daily News* said:

> To speak frankly, China is enjoying the monarchical system today, but the country describes itself as a republic, and consequently the system would fall to pieces on the death of the ruler if no provision were made for its maintenance. That provision can be made without danger or loss of time simply by abandoning the fatuous pretenses that the system that prevails is republicanism.

In view of his oaths to the republic and his recent self-denying utterances, it was anticipated that Yuan would be in a position of some embarrassment if it were undertaken to put the scepter in his hands. To obviate this

situation, it was suggested in some quarters that his eldest son, Yuan Koh-ting, be made Emperor, with Yuan himself as regent for life. As the younger Yuan is more than thirty years of age, it was obvious that such a regency would be a mere subterfuge; while, as it is contrary to Chinese custom to allow a son a position of authority over his father, an attempt to establish such a system would be not without its difficulties. There were other suggestions for the throne, some proponents advocating the claims of the ex-baby-emperor, the Manchu Hsuan Tung; others, a scion of the Mings, the last Chinese dynasty; but most people looked upon Yuan Shih-kai as the logical and necessary candidate.

The fact that Li Yuan-hung, the Vice-President, moved out of the palace and was several times absent from the meetings of the Council of State was hailed by the opposition as an indication that he was against the proposed change. But the evidence is inconclusive. Li did not resign his offices. He has apparently assumed an attitude of neutrality. Himself one of the leaders in the establishing of the republic, he would naturally be disinclined to give support to the return-to-monarchy movement. At the same time, having witnessed the difficulties of the republican government, and being an ardent admirer of Yuan Shih-kai, he may be not at all hostile to the idea of a limited, Yuan monarchy.

Probably the strongest of the opponents of the change, and certainly the most influential, was Liang Ch'i-ch'ao. Long an advocate of constitutional monarchy, recently a staunch supporter and a holder of high offices in the republican government, easily the foremost of Chinese publicists, Liang explained his oppo-

sition in a powerful article in which, addressing Yuan Shih-kai, he concludes:

> Why should I have opposed you when you first suggested the first change of government and oppose you again now? Because a change in the *conduct* of a government is a sign of progress, while a change in the *form* of a government is a sign of revolution. A sign of progress leads a nation to progress, and a sign of revolution leads a nation to revolution. I have always opposed revolution; hence I am opposing you now as I opposed you before, for a revolution always retards the progress of a nation. . . . To say that because you wish to reform the conduct of a government a change of its form is necessary is nonsense.

The next move was made by the Council of State, an instrument of the President. The Council recommended early in September that the President call a convention to decide for or against the restoration, and if that be not possible, that he "devise other proper and adequate means to consult the will of the people." The Council reported that it had received eighty-two petitions from different bodies favoring a monarchy.

On October 8, the Council passed a bill providing for the election of a convention of citizens to decide as to the future form of government, and the President at once promulgated the bill as law. The military elements were by this time urging that Yuan proclaim himself Emperor on October 10, the anniversary of the beginning of the revolution, but the President refused to consider this, and, to prevent a demonstration, canceled the orders for a parade of the troops on that day.

The President, next, on October 12, issued a mandate saying that he had received petitions from representative sources expressing the unanimous opinion that the

republican form of government was unsuited to the needs of China and requesting him to adopt a constitutional monarchy, "so that the peace be maintained." But, according to the constitutional compact, sovereign rights are vested in the entire body of citizens, therefore he must leave the decision to the people.

On October 29, it was announced in Peking and Tokyo that the Japanese government had requested the Chinese government to postpone the project of reëstablishing a monarchical régime. What had happened at Peking was this: the Japanese Chargé d'Affaires, the British Minister and the Russian Minister had called on the Chinese Minister of Foreign Affairs and, with the Japanese Chargé as spokesman, had inquired verbally concerning the possible results in case China should undertake to make the change. The Japanese Chargé asked whether President Yuan was confident that the change could be peaceably effected. He disclaimed any desire on the part of his government to interfere in the internal affairs of China, but suggested that, as there were evidences of opposition in South China, and in view of the disturbed state of world politics, the change should at least be delayed. The British Minister took part in the discussion, the Russian Minister expressed his approval of the position of his colleagues, and it was represented that the French government gave its unofficial support to these views, the reason for its not having sent its representative to the conference being that it was for the moment preoccupied with the cabinet changes at home.[1]

On the same day, it was announced in Washington that the United States government, although it had

[1] A few days later the Italian government announced its concurrence in the views expressed by the ministers of the three powers.

been approached on the subject by "interested powers," had declined to express an opinion or to take any action in the matter.

The Chinese Minister of Foreign Affairs thanked the ministers of the three powers for their friendly advice, said that the question was purely one of internal politics, declared that he could guarantee that order would be preserved, and suggested that if the government were at this stage to endeavor to suppress the consideration, such an attempt would cause the very disturbances which it was sought to avoid.

The formal reply of the Chinese government was given on November 1 through the Vice-Minister of Foreign Affairs, who called at the legations of the foreign powers and made verbal statements. He thanked the powers for their friendly interest, but declared that the question was already in the hands of the Chinese people and the consideration could not, therefore, be postponed. As for political disturbances, his government had been informed by the officials in the provinces that they would be able to keep order in the event of a decision to effect the change. He besought the cooperation of the powers in restraining a small number of rebels who might seek to operate in foreign countries and in the foreign concessions in China. He made it evident that his government considered the matter one of purely domestic concern.

In the meantime, the balloting for the election of representatives to the colleges which were to decide the question had been going on. The vote was taken on the basis of the electoral census and lists prepared for the coming election of the National Assembly and the choosing of delegates to the National Convention. The election officials had given notice to qualified citizens in

every district and every special electoral group that they were entitled to cast ballots to determine what form of government should be adopted. The persons so notified were required to register, and all who had registered were allowed to vote on the days set for their districts or groups. In each of the provincial constituencies the voters selected five men who in turn chose one as elector for the district. The electors proceeded to their respective provincial capitals and there cast their ballots either for the republic or for constitutional monarchy. The voting for the dependencies was done by citizens who happened to be in Peking.

The canvass of the returns showed that all but fifty of the 2,043 electors had declared for constitutional monarchy. In many provinces the electors were asked to express themselves as to who should be Emperor—and the unanimous opinion, where sought, was for Yuan Shih-kai. The Council of State immediately sent Yuan a petition asking him to accept the throne, and on December 11 it was announced that Yuan "in deference to the will of the people" had consented to become Emperor. That the question of the form of government was submitted to the electorate, and that the electors voted for the monarchy, indicates, to begin with, two things: first, that President Yuan Shih-kai had concluded that the change was desirable or necessary; second, that he was confident that it could be effected successfully and without likelihood of serious opposition. Yuan has been and is practically absolute. Had he not favored the change, he would have discouraged discussion and he could have prevented its consideration. He had control of the organizing of the electoral machinery; he knew in advance what return he could expect in the elections.

The decision in favor of monarchy must be credited first to the President, who was undoubtedly affected by the pressure of the military element and influenced by considerations of foreign policy; the confirmation of the decision may be credited to the limited aristocratic electorate, which was essentially of the government's choosing. The *people* as a whole have not known any too much about the question under discussion, and they have not *in the mass* decided either way.

China has been a republic only in the sense that a state having an elected chief executive with a limited term of office is a republic. The President has been all but absolute and he might have remained in office for eighteen more years. Yuan Shih-kai, Emperor, will rule little differently from Yuan Shih-kai, President, but a state in which there is an Emperor, with a life term and a fixed succession, will, of course, be a different state from that in which the people have the legal right to change their chief executive at intervals.

As far as China's immediate future is concerned, her greatest needs are security, order, and an *efficient officialdom*. The people have been little concerned as to what the government shall be called or how organized, if only it will afford them security and do them justice. They have always considered that the test of a satisfactory government is to be sought in the happiness of the people. There is little doubt among qualified observers that China's position among the nations will be strengthened by the assurance that a strong executive is securely established in authority at Peking. As for the more distant future, a country that has experienced twenty-five changes of dynasty, established a temporary republican government, and again reverted to monarchy, may, if the time comes and it so chooses,

ask another Emperor to abdicate, and establish another republican government.

Before agreeing to accept the throne, Yuan announced that no change would be made "this year." Probably the intention is that the change shall not be effected until after the Constitutional Convention shall have met and framed a permanent constitution.[1] In view of the Japanese, British, Russian and French "suggestions" of October 29, and as a measure of practical expediency, this would be good political strategy.

That the change would not be accepted without some disturbance was a foregone conclusion. The assassination of Admiral Tseng, Governor of Shanghai, on November 10, was an act in protest against the government. On December 5 a party of would-be rebels attempted—to the discomfort of the foreign settlement—to seize a government training ship lying in the river at Shanghai, but without success.

The rebellion which has broken out in Yunnan is somewhat more serious. On the day following the announcement of Yuan's acceptance of the proffered throne it was reported that five provinces had revolted. Later and more reliable reports indicate that the rising is confined practically to Yunnan, where the ex-*Tutuh* (military governor), Tsai Ao, is in command of a body of insurgents.

Tsai Ao is one of the "Young Chinese" who, studying military science in Japan, played an important part in the revolution. As *tutuh* in Yunnan he made an ex-

[1] The election of delegates for the Constitutional Convention is now under way, and the Convention will in all likelihood be organized and will function substantially as has been provided in the laws framed during the past year.

cellent record by restoring and maintaining peace in that somewhat restless province. In 1913 he was offered a seat in the Council of State at Peking, and later was appointed director of the Bureau for the Surveying of Lands. Early in December last he left Peking, on the plea of ill health, to recuperate in Japan, and he was next heard of as leader of the revolt in Yunnan.

In estimating the significance of the revolt, it must be remembered that Yunnan is furthest removed of the provinces from Peking; and also that the Yunnanese have been particularly exasperated by the success of the government in its relentless campaign for the suppression of opium growing, which was a lucrative occupation there.

To what extent Sun Yat-sen and Huang Hsing, the best known of the republican leaders, are in sympathy or connection with the rebellion is not known. Both learned their lesson in 1913; and neither will be ready to associate himself with another unduly precarious undertaking.

It is scarcely to be expected that the rebellion will make great headway. In the first place, the armed forces of the nation, especially the better trained troops of the North, are under the absolute control of Yuan—to whom they are loyal. Nearly all of the military governors in the provinces are either old followers or personal friends of Yuan, and the few exceptions are practical men and essentially conservative in disposition. In the second place, the principle of monarchical government fairly represents the political ideal of the people as a whole. Third, even his worst enemies concede that Yuan is the ablest man to whom the nation can look both for reconstruction within and for defense against what, after all, is the greatest menace to its lib-

erties—danger from without. Yuan's preëminence is demonstrated by the fact that the Manchus looked to him—whom they had two years before disgraced—as their best hope in their hour of danger; that Sun Yat-sen yielded the position of chief executive in his favor; that the bankers of the five powers group signed their loan contract with him personally in spite of the opposition of the Assembly; that the best of the revolutionary generals, along with the former officers of the Manchus, remained loyal to him when their misguided colleagues embarked upon the ill-advised and easily suppressed rebellion of 1913; and, finally, by the fact that for thirty years the representatives of foreign countries, both official and unofficial, who have come in contact with him have felt and have shown their confidence in him.

If Yuan's government is overthrown it will be by forces greater than those moving the rebellion in Yunnan.

Biographical Notes appear infra, pp. 405-412.

POLITICS IN CHINA AND IN JAPAN

JAPAN

CHAPTER VII

JAPAN: THE RISE OF JAPAN AS A MODERN POWER

THE modern history of Japan begins in the sixteenth century. Not until 1542 did the first white men, Portuguese under Mendez Pinto, land on the soil of that isolated island realm. The newcomers brought with them guns, powder, cotton and tobacco. Seven years later Francis Xavier and his missionary band introduced the Bible. The Buddhist priests, traditionally tolerant, listened impassively to Xavier until his bigotry stirred them to the point of opposition, but he was helped on his way as he moved from place to place by the desire of the people for the trade which followed him.

The dual system of government, a survival of many centuries, under which the Mikado, the legal and titular sovereign, remained in the seclusion of his palace at Kyoto, while the Shogun, the head of the military nobility, governed the country, prevailed at this time in all its significance. The last quarter of the sixteenth century saw the Ashikaga clan deposed from the shogunate and the control of the administration wrested from it by Nobunaga Oda, one of the greatest of Japan's warriors and statesmen.

Nobunaga permitted the Christian missionaries to go on with their propaganda. His successor, Hideyoshi Toyotomi, the "Napoleon of Japan," was antagonized by the militant methods employed by the Jesuit priests, and in 1597 he authorized a general persecution of the

Christians, who are estimated to have numbered by that time 300,000. In 1593 Franciscan and Dominican friars had begun to come from the Philippines and Spain, and their subsequent quarrels with the Jesuits soon antagonized the native rulers.

About 1600 the first Dutch traders reached Japan. One of their vessels carried as its pilot an Englishman, Will Adams. Though neither an official nor a scholar, Adams made a favorable impression upon the Court and by virtue of his practical knowledge of shipbuilding soon found himself in the high favor of the Shogun. He spent the remainder of his life in Japan.

The monopolistic returns from the foreign trade, which increased rapidly in value as a consequence of the competition which arose between the British and the Dutch East India Companies, predisposed Iyeyasu, the founder of the Tokugawa Shogunate,[1] to tolerance of the missionaries. Iyeyasu even sent an emissary to Europe to observe the conduct of Christians in their own countries, but the report brought back of inquisitions and religious strife, coupled with the suspicion which developed locally from sectarian contentions, led him in 1614 to publish an edict requiring the banishment of all foreign priests, the destruction of their churches, and the punishment of all native Christians who would not recant. From this time persecution became constantly more vigorous. The Christians did not tamely submit, and in 1637 the Christian Revolt of Shimabara brought upon them a great massacre at Hara, the Dutch lending ignoble aid with the guns of their ships. By 1640 practically all foreigners had been driven out with the exception of the Chinese and the Dutch, both of whom were interested in trade rather than in missions. The

[1] 1603.

Chinese traders were confined to Nagasaki; the Dutch to Deshima, a small island in the harbor off that city, to which two ships from Europe were allowed to come annually until, in 1790, the number was reduced to one. Between 1640 and 1854 Japan remained, except for this one small aperture, absolutely sealed against the influences of the West.

During these years a history of Japan was compiled which, though not published until 1851, was copied by hand by many enthusiastic students. In spite of Imperial decrees Dutch scientific books were read. Gradually the restrictions were relaxed. In 1809 the study of the English language was begun, and in 1847 an English grammar was published.

Two revolutionary changes make the history of Japan in the nineteenth century in some respects analogous to that of Western nations in the same or proximate decades. The first was the reopening of Japan; the second the restoration of power to the Emperor. The same preliminary changes led up to and influenced both; the first hastened on the second.

Circumstances as well as men were favorable to the United States in the efforts which several nations began early in the century to direct toward the opening up of trade with Japan. Americans had no traditions of early unsatisfactory relations to contend with, and their first steps toward friendship were facilitated by the favors they were able to confer in the restoring of shipwrecked sailors found at sea or cast away upon the Oregon and California coasts. The Pacific had become of some importance to Americans through the whaling industry, and the wrecking of a few of our vessels on the Japanese coast made it imperatively necessary to obtain guaranties for friendly treatment of our sailors.

Not until 1853, however, did the forcing of the doors begin, their rusty hinges being then loosened by the oil of Commodore Perry's diplomacy with the pressure of the presence of the "black ships" and the menace of their terrible cannon.

The United States had sent Commodore Perry with instructions to negotiate with the ruler of Japan to the end that: (1) Protection should be guaranteed to American seamen who were in danger or had suffered shipwreck on the Japanese coast; (2) permission should be granted to American vessels to obtain supplies in certain Japanese ports; and (3) certain ports should be opened to American trade. Perry took with him new inventions of many kinds and gifts, which proved extremely useful as an adjunct of diplomacy.

Perry had a letter from the President of the United States which he was instructed to deliver to the "Sovereign of Japan"; and this he delivered to a representative of the Shogun who was eventually sent to him to receive the message from America. His reluctant hosts were now greatly put to it to decide what reply they should make to the unwelcome proposals.

In the circles of Japanese officialdom counsels were divided; the Shogun, who knew more than others of the outside world and of comparative forces and was therefore better able to understand what Perry's arrival must portend, favored accepting the inevitable; the Imperial court in its self-contained ignorance urged that no favor be accorded the annoying requests of the impertinent foreigners.

Recognizing the reasonableness of giving them time to consider, Perry, having informed them that he would return next year for his answer, sailed away to the Chinese coast. At Shanghai the commander of a Russian

fleet proposed to him that they join forces and *compel* the Japanese to accede to the common demand that they open their doors. This Perry refused to consider, having orders from his government that he was at all times to respect the sovereign rights of Japan and was not to use force unless compelled in self-defense to do so.

The American fleet, reënforced and presenting an imposing array, returned to Yedo Bay in February, 1854. The interim had been spent in argument between the courts of Kyoto and of Yedo, the Shogun pointing out that Japan was in no position to withstand the foreigners if appeal were made to arms, and urging the advantages of accepting commercial intercourse for the sake of learning the arts and methods of the West; the Emperor insisting that his retainers must not permit "these people to pollute one inch of our territory."

Fear and common sense prevailed. The Shogun signed a treaty with Perry on March 31, 1854. This treaty—from which dates the rise of "New Japan"—recognizing the principles of "friendship and amity," provided that two ports should be opened for the purchase of supplies, that shipwrecked sailors should be properly cared for, and that consuls might be stationed at Shimoda should circumstances require. It contained a most-favored-nation clause. In the same year Great Britain, in the following year Russia and Holland, and later other nations obtained similar treaties. All were signed on the responsibility of the Shogun, the Mikado remaining obdurate in his refusal to have anything to do with the men from the West. It is interesting to note that by this time the individual power of the Shogun had greatly declined, the holder of the title being fre-

quently a mere youth, and that the real authority lay in the hands of a number of Lords in Council at the Shogun's Court.

In August of 1856 Mr. Townsend Harris, designated as American Consul-General to Japan, landed at Shimoda. Harris was invested with diplomatic powers and his primary mission was to obtain a commercial treaty. To this the Shogunate was favorable, but it was necessary to convey to the country the impression of resistance. Hence, although he obtained a convention in 1857 guaranteeing consular and extraterritorial privileges and arranging a rate of exchange between Japanese and American coins, it was not until July, 1858, that Harris was able to secure the signing of the long-sought commercial treaty. When it had been concluded, however, Harris' treaty of 1858 became, and it remained until the making of the new series after 1894, the model for the treaties of other nations, while its terms remained the basis of Japan's commercial relations with the world until 1899. It provided for the reception of diplomatic representatives at the capital, and of consuls at open ports, together with extraterritorial jurisdiction; American citizens were given the right to live at Yedo and the open ports; four new ports were to be opened; commerce was to be freely allowed at the open ports, subject to a low scale of *ad valorem* customs duties; importation of opium was forbidden; and most-favored-nation treatment was guaranteed.

In the following month representatives of Great Britain, France, and Russia obtained treaties with practically identical provisions.

Japanese emissaries had been sent abroad on special missions prior to the closing of the country. But the seventy-one commissioners who left Japan in February,

1860, to exchange at Washington the ratification of the new treaty formed the first diplomatic mission which the Japanese sent abroad. These commissioners were taken across the Pacific and up the Atlantic Coast on American war vessels, and their visit to the United States made upon them, as did they upon America, an extremely favorable impression. Harris returned as first American Minister to Japan, and there he remained until May, 1862.

In the annals of Japanese-American relations the name of Townsend Harris should be inseparably linked with that of Commodore Perry, for while it was Perry who forced Japan to unlock her doors, it was Harris who persuaded her to *open* them and prepare to qualify for membership in the society of nations.

The signing of these treaties was not unattended with disorder and violence, but the marvel was that so little of this was manifested. The Shogun acted throughout consistently; if perpetrators of iniquity upon foreigners escaped punishment, it was usually because they were either unattached and lordless *ronin* or vassals of feudal chiefs whose power was too great for even the Shogun to restrain. Harris' life was menaced and his secretary was murdered. In 1861 and 1862 the British Legation was attacked. In 1861 an Englishman was killed near Yokohama by an attendant of the Prince of Satsuma for an insult, according to Japanese standards, to the dignity of that feudal chief. An indemnity was demanded, and as this was not forthcoming a British squadron bombarded the Satsuma stronghold, Kagoshima, and the indemnity was increased threefold.

When the extreme conservatism of the Imperial Party manifested itself in the issuing by the Mikado of a decree ordering the closing of the ports and the

driving out of the foreigners, the Shogun sent envoys to European capitals asking that the treaties be suspended and the opening of the new ports be postponed. The envoys emphasized the disturbed condition of the country and the increase in the cost of living due to foreign trade. The result was a compromise: the order for the expulsion of foreigners was withdrawn, and the treaty powers agreed to the postponement of the opening of all the new ports excepting Yokohama. The members of this mission, as had been those who went to the United States in 1860, were deeply impressed with the wealth, power, and influence of Occidental countries.

The Satsuma clansmen, one of the great southern groups, had already been given an effective illustration of the futility of resistance to the armed force which backed the diplomacy of the West. It remained for another great clan of the South, Choshiu, to be brought to a similar realization. The men of Choshiu had in view the double end of prohibiting the encroachment of the foreigners and of weakening the Shogunate in order to obtain preponderant influence with the Imperial throne. Their opportunity for action lay in their possession of the forts which controlled the Straits of Shimonoseki leading into the Inland Sea. Here they fired upon the vessels of the Shogun, of the United States, and of European nations, in utter disregard both of municipal and of international law. A combined squadron of British, French, Dutch, and American warships bombarded the forts in September, 1864, and landed marines, who spiked every gun in the fortifications. The Shogun took it upon himself to pay an indemnity of $3,000,000, which the powers concerned agreed to divide equally among themselves. Twenty years later the United States re-

turned its share of this indemnity, to the great gratification of the Japanese.

In the light of their later great achievements, it is of special interest to recall that the late Prince Ito, Japan's greatest statesman, and the late Marquis Inouye, likewise destined to serve as one of the most influential among the "Elder Statesmen," hastened home from student life in London at this time to urge upon their clansmen the futility of resistance to such superior force and the civilization which it represented. Their advice was considered the shallow judgment of youth—until the course of events justified their contentions.

The bombardments of Kagoshima and Shimonoseki accomplished what no other influence could have effected. The Satsuma and Choshiu clans, which had been the bulwarks of anti-foreign sentiment, arrived at a sense of their comparative weakness and became desirous of learning western methods. The weakening effects of feudalism were apparent. An interest was aroused in foreign customs and inventions. Satsuma and Choshiu men forgot their own minor differences and united to bring about centralization of government. From this time forward the influential elements in Japan were reconciled to the idea of intercourse with foreign nations.

The next effort of the diplomats was directed toward securing the Emperor's ratification of the treaties, which was felt to be necessary in view of the traditional reverence of the Japanese for the authority of the throne. In this the British Minister, Sir Harry Parkes, took the lead. Under instructions from his government, he proposed to the Japanese that if the Emperor would ratify the treaties, consent to an early opening of certain ports, and agree to a tariff on a 5 per cent. basis,

Great Britain would waive two-thirds of the Choshiu indemnity. A naval demonstration was arranged in the last months of 1865, in which the French and Dutch participated with the British. These measures accomplished their prime purpose, for the Emperor published a decree announcing his approval of the treaties. The British had, however, asked for more than could be given and therefore had an excuse for retaining the indemnity because the Japanese postponed the opening of Hiogo and Osaka.

In 1866 the United States, Great Britain, France and Holland signed a new convention with the Japanese, procuring a revision of the tariff. By this new arrangement foreign intercourse was further encouraged. Officials were no longer to prevent free intercourse, commercial and social, between inhabitants of treaty ports and foreigners; natives were to be allowed to hire foreign vessels to trade either at the open ports or abroad; and Japanese were to be free to go abroad as students or traders.

As the time for the opening of Hiogo and Osaka drew near, the strange situation was presented of Emperor and Shogun opposing the fulfillment of their promise, while the great clans urged that it be kept to the letter. Nothing could more clearly have demonstrated than did this change of front on the part of the clans that the cause of seclusion was lost. Thoroughly consistent in their aim to overthrow the shogunate, the clansmen had completely altered their plan of operations to that end. Having encouraged the Mikado in his reactionary policy, they now opposed reaction. The weather vane of clan opposition had swung from in to out, and it was now the wish of the Satsuma and Choshiu leaders to plunge as quickly as possible into the unknown sea

of Western influence and customs in order that Japan might emerge equipped with the essentials for the attainment of unity at home and predominance in the Orient.

Fate decreed that the full Imperial consent to the change in the national policy should be given by a new Emperor. In 1867 Mutsuhito, destined to reign until 1912 and to symbolize in an extraordinary degree the spirit of the new Japan, succeeded his father upon the throne. The youthful monarch at once gave his consent to the opening of the ports, and thus after twelve years of divided counsels Japan was officially open to the world.

Simultaneously with this complete reversal of attitude on the question of foreign affairs there occurred a momentous revolution in the machinery of the Japanese government. For seven centuries the Shoguns had been in control of the administration. In 1868 the then holder of the shogunate resigned his administrative power, mostly at his own volition, into the hands of the Emperor. A variety of factors had led to this decision. Originally the vigorous agents of leisure- and luxury-loving sovereigns, the Shoguns had in turn fallen a prey to the enervating influence of court life and an age of peace, and their prestige had waned as their authority was wielded by subordinates. A revival of historical studies brought the educated classes to a realization that the Shoguns had usurped and were exercising powers which belonged of "divine right" to the Emperor. With peace, the advantages of the feudal system sank, in the popular mind, in relative importance to the disadvantages which that régime brought home to the trading and industrial and the agricultural classes. Producers began to chafe under the burden of supporting a great

horde of privileged nobles and military men in an age when the latter rendered no real service and contributed little to the common welfare. All this had its direct bearing later on the question of the abolition of feudalism. The shogunate was further weakened by the rivalries of the clans, but, fortunately for the Shogun, the clans were more jealous of each other than of his power. The bombardments of Kagoshima and Shimonoseki, however, drove the two most powerful clans to unite for purposes of foreign policy. Most effective probably, of all influences, the thinkers among Japanese statesmen had begun to realize that the dual system could no longer continue to operate successfully, since the new activities of the government, especially in the field of foreign affairs, required unity and a strong central authority.

The attitude of welcome which the Shogun had been compelled to assume when Perry presented his demands, had undermined his influence with the daimyos and the samurai. Whether willingly or not, the Shogun had entered into treaty relations with the "barbarians" and had abandoned the traditional policy of seclusion. It was but logical for the nation to desire centralization of power in order that, since the incoming of alien influences was inevitable and had been accepted, the country might be united and capable of protecting itself against undue pressure.

With splendid grace, when one considers that since 1603 his family had held the highest office under the Emperor and that millions of retainers were at his command, the Shogun Keiki, bowing to the expressed wish of the great daimyos, resigned. Though his resignation was accepted, the control of foreign affairs was left in his hands for some months. The great clans were sus-

picious of this and attempted to make the issue certain by high-handed measures, seizing the gates of the Imperial Palace and obtaining a decree which ordered the abolition of the shogunate. The Shogun, although willing to leave the question to the assembled daimyos, resented this action by a few clans. His followers were even more incensed and, had they been led by an Iyeyasu in the struggle that followed, might have turned defeat into victory. The clans and the Imperial Court had, however, found a common ground for coöperation, and with their victory over the Shogun's retainers the Imperial Court obtained full control, thus making the way open to a reorganization of the government along lines of centralization.

There still remained one great obstacle in the path of progress. This was the institution of feudalism. Having developed with the shogunate, it was but natural that it should fall with that office. The weakening influences which had undermined the Shogun's position had a similar effect upon feudalism. Both institutions were essentially decentralizing influences; both were out of date; both were shown to be elements of weakness to the state in conflict with Western powers.

The Restoration had been very largely due to the work of the younger men, men in the prime of youth fired by patriotic spirit and ambition. Many of these were samurai of the better type. These men now engaged in the work of bringing the daimyos to a sense of the necessity for their surrender of their feudal prerogatives. Force was out of the question; the arts of persuasion alone could be used. The task was not so difficult as might have been expected in view of the age of the system and the extent of the privileges, amounting practically to supreme administrative, judicial, and

financial power, which the daimyos enjoyed. The samurai were in great part sustained by the feudal lords, so that it is difficult, in spite of the opinions of some writers, to see wherein these warriors could have expected better conditions for themselves to follow upon the destruction of feudalism. While the principle of selfishness cannot be entirely ruled out of account, that alone would be utterly inadequate to explain the action of the feudal chiefs in 1869. In that year, within as many weeks as the feudal régime had lasted centuries, the system was abolished through voluntary surrender by the daimyos of their lands and prerogatives, to be dealt with by the Emperor as he deemed best. We see in this great renunciation a tremendous evidence of the power of the ideal of reverence for the Emperor. Moreover, the sacrifice, which proved very costly to both chieftains and samurai, appears to have been due in part to a sensing of the fact that the future of the country demanded it. The great light which showed the inconsistency of the institutions of the old régime with the hopes of the new appears to have broken suddenly upon the minds of the influential classes, and without waiting to be forced into what would ultimately have had to come, they took the step which marked the climax of the revolutionary process. At first glance the nobility of the sacrifice would seem to put the transaction above the realm of criticism. But it is fair to ask whether, in the enthusiastic unanimity of this renunciation, the Japanese aristocracy were not swayed in many cases by unquestioning emotionalism or, in some cases, fear of appearances, at the expense of that spirit of initiative and individuality which is essential in the character of a people destined to hold a leading place in the procession of nations. For the development of great and abiding in-

stitutions and of the highest ideals in government, it is essential that the ruling few be able to draw inspiration from those whose affairs they administer; government must be a process of give and take made possible because both the leaders and the led are in agreement, as a result of individual conviction, as to fundamental principles of action.

The Imperial Rescript which announced to the powers that the reins of government had been resumed by the Emperor was issued in February, 1868. Shortly thereafter the leaders of the principal clans addressed a memorial to the throne wherein, declaring that the closure of the country had been a mistake, they suggested a change of attitude:

> Let the foolish argument which has hitherto styled foreigners dogs and goats and barbarians be abandoned. Let the court ceremonies hitherto imitated from the Chinese be reformed, and the foreigners' representatives be invited to court in the manner prescribed by the rules current among all nations, and let this be publicly notified throughout the country, so that the countless people may be taught what is the light in which they are to regard this subject.

While this memorial indicated the attitude of the leaders, many of the samurai of the inferior type continued to view the presence of foreigners as an insult to their sovereign and their own traditions, and a number of minor outbreaks occurred. In March, 1868, the escort of the British Minister, Sir Harry Parkes, was attacked by two of these obdurate swordsmen, whereupon the court leaders apologized and the Mikado issued this decree:

> All persons in future guilty of murdering foreigners, or of committing any acts of violence toward them, will be not only

acting in opposition to His Majesty's express orders and be the cause of national misfortune, but will also be committing the heinous offense of causing the national dignity and good faith to suffer in the eyes of the Treaty Powers with whom His Majesty has declared himself bound by relations of amity.

This and a declaration which soon followed, removing the prohibition of missionary work, amounted to an official sanctioning of the policy favoring foreign intercourse which the Shogun had inaugurated.

Following upon the Restoration, the treaty powers all transferred their diplomatic connections to the Court of the Mikado, which, after remaining at Kyoto until 1868, was in that year removed to Tokyo. In the first year of the new order the diplomatic corps was received in audience by the Emperor.

In April, 1868, the Emperor issued the famous "Charter Oath," promising reforms looking toward representative institutions and the substitution of new methods for those found old and outworn. The era of reform forthwith began. The Sovereign appeared in public. The old nobility was abolished and with it the samurai, whose passing, though inevitable, has about it a touch of pathos. In 1869 the first Assembly met, "for the purpose of getting at national opinion and taking the advice of the ruling classes."

European dress began to be worn. Between Yokohama and Tokyo telegraph lines were run in 1868, and by 1872 a railway was in operation between those cities. In 1871 the first newspaper appeared, the *Shimbun-Zasski.* In the same year prefectures coördinated to the central government were substituted for the clan administration, this being the first step toward doing away with the feudal organization. Numerous ceremonial

forms disappeared and Western informality began to be imitated. In 1875 the European calendar was adopted. Post offices were established. In 1877 Japan signed the International Postal Convention, and in 1879 she became a party to the International Telegraphic Convention. Numerous students went to Europe and America to acquaint themselves with the literature and the scientific and legal foundations of the West.

In 1872 universal military service was introduced. This was a logical following-out of the policy which had abolished feudalism. The military class, the samurai, had expected to be retained as the army of the new Japan. Disappointed and feeling a sense of outrage over the disregard of their traditionally exclusive claims to fight their country's battles, they now revolted under the leadership of Saigo Takamori, one of the Satsuma samurai and a notable leader of the movement for the Restoration. The revolt failed, the warrior class going down to defeat before the first levies of the new infantry. The establishment of the conscription system rid the country of its unruly military gentry and placed Japan in line with European practices.

A college for the study of foreign languages had been established in 1857; a school of European medicine, in 1858. Out of these grew the University of Tokyo. In 1871 the Ministry of Education was reorganized. The students who had gone to foreign lands found themselves handicapped by ignorance of languages. In 1884 the study of English was made a part of the course in the public schools. In other ways the general educational curriculum was revised so as to aid students intending to go abroad. In accordance with the general attitude of the government the lowest classes, hitherto "outcasts," were declared citizens. The instrument of

the Emperor in carrying out these reforms was the Council of State, the collegiate head of the administration, which contained both reformers and more conservative representatives of the clans. To the wisdom of this body the greater part of the credit for so peacefully wrought a transformation is due.

The Japanese were not long in discovering that in ratifying the Treaties of 1858 and of subsequent years they had parted with two essential attributes of sovereignty, judicial and financial autonomy. Foreign courts with extraterritorial jurisdiction were established in Japan, and the tariff rates were fixed and could not be raised. In principle and in practice the people felt extraterritoriality to be a disgrace and an injustice, while the expanding governmental activities called for increased revenues. It is clear that in drafting the details of the treaties advantage was taken, by foreign negotiators, of Japanese ignorance and helplessness, although in principle and for the conditions prevailing when they were made the treaty provisions were reasonable and just.

According to a clause in some of the treaties, propositions for revision were to be in order in 1872. In 1871 the government sent a commission to the United States and Europe under Iwakura Tomomi, Minister for Foreign Affairs, together with Ito and others. This commission was to explain the progress which Japan had made and to try to secure a revision of the treaties. It was also to collect information concerning European institutions and methods of government. The effort to secure treaty revision failed. The Japanese were not yet able to offer satisfactory guaranties for the security of foreigners and foreign trade. Also, the treaty powers had agreed to act in common and they could not

agree upon terms of revision. No doubt the influence of foreign manufacturers and merchants who wished to continue to profit by the very low tariff duties was considerable.

It was pointed out to the envoys that Japan should bring her legal system up to standards of Western civilization, and they saw for themselves that their nation must make itself strong enough to stand the test of international conflict. The Japanese statesmen set themselves immediately at both tasks. Advisers and experts in law, finance, military affairs, agriculture, and science were employed. The reform of the civil law was based upon general Occidental practice; that in commercial law followed the German system; while France furnished the models for the altered criminal laws. The jury system was not adopted, but a hierarchy of collegiate courts, permitting the appeal of cases, was instituted. A civil service system was adopted, a cabinet system and a privy council were established. A commission appointed for drafting a constitution worked from 1881 to 1889, in which year the constitution was promulgated.

A conference met at Tokyo in 1882 to consider the question of revising the treaties, but the American representative stood alone in his willingness to act favorably to Japan.[1] In 1886 another conference was held. Some progress was made toward reform of the tariff duties, but no agreement was reached on the question of extraterritorial jurisdiction. The prospects were that a compromise would be obtained by substi-

[1] The United States had negotiated a treaty with Japan in 1878, yielding the points for which the Japanese were contending, but this could not go into effect until the other powers should have agreed to similar provisions.

tuting for the foreign tribunals a number of foreign judges on the benches of those Japanese courts which would have to deal with cases involving foreigners. This proposition was opposed by the Japanese people, because it involved the appointment of judges by the diplomatic corps of foreign powers and therefore constituted another invasion of Japanese sovereignty. At this time the United States made with Japan an extradition treaty, an evidence of good will and of divergence from the viewpoint of the British government, which held that it had the right under extraterritoriality provisions to search for and arrest in any part of Japan a British fugitive from justice.

Count Okuma took up the struggle for treaty revision, and because of his willingness to compromise was attacked by a fanatic who considered him a traitor The government and people began to feel the gaining of recognition a well-nigh hopeless task. Reform, however, continued. The constitution was promulgated in 1889, and in 1890 the first elections for the Diet took place. In 1893 the Lower House urged that revision of the treaties be vigorously pressed. Great Britain was still the leading power in the Far East and the success of the movement for treaty revision hinged upon her attitude. In 1894 the conclusion that Japan's progress warranted the alteration of the treaties and that the friendship of Japan might not be without value in the future, led the British government to yield and to sign the first of the revised treaties which five years later became effective.

The United States at once followed the action of her greatest trade rival and signed a new treaty. By 1897 all the powers had taken similar action. These treaties were to take effect in 1899. They surrendered

extraterritorial jurisdiction and control over the tariff, subject to the condition that for twelve years certain rates should remain as fixed by the new treaty. Henceforth Japan was to possess judicial and financial autonomy. In return the whole country was opened to the residence of foreigners.

Japan thus after twenty-two years of diplomatic endeavor and patient effort toward reform had received her charter of admission on a basis of legal equality into the family of nations. Immediately the government showed its appreciation by publishing a rescript which asserted it to be the Emperor's intention to treat natives and foreigners impartially and called upon the people to sustain the honor of Japan in the eyes of the world by refraining from any sort of attack upon the foreign population. The Buddhist ecclesiastics issued notices that religious freedom was guaranteed by the constitution and that injury to Christians was to be considered a crime.

Since 1900 Japanese progress has continued. Especial attention has been concentrated upon the army and the navy. Between 1902 and 1913, $373,000,000 were spent on the navy alone. Japan now possesses shipyards capable of building the largest modern warships, with their machinery. Her factories can furnish reliable armor plate for all the ships she can build. Her greatest handicap lies in the fact that her supplies of raw material, especially coal and iron, are limited.

Progress in the development of land armament has been equally rapid. Since the war with Russia, the Japanese army has reached a strength twice as great as it possessed in that struggle, with an estimated peace footing of 250,000 men, and a possible war complement of 2,000,000. The administration of the army and navy

is coördinated through the agency of the Supreme Military Council of War which contains officials from both services and advises the Emperor in all matters pertaining to both. The expenditure for the army has been even heavier than for the navy, totaling some $493,000,000 in the ten-year period, 1902-1913. This means that in that period Japan expended over $860,000,000 for her army and navy. The results of such tremendous sacrifice are a consolidation of influence, an assured position against foreign aggression, and a national debt which is entirely out of proportion to the country's wealth and resources.

The educational system provides a series of schools from kindergarten to university. For every boy and girl an elementary school training covering six years is required. After this period further education is voluntary. Compulsion has been unnecessary, no feature in modern Japanese life being more striking than the universal desire for education along Western lines. Above the elementary school are the so-called "middle schools," offering philosophy and Oriental languages in addition to the subjects found in American grammar and high schools. Graduation from the middle school exempts a youth from one year of military service.

The high school, to which an aspirant for university work now passes, enables him to prepare for the university in three years or to spend four years in the study of some professional subject such as law or medicine. The chief concern of these schools is the teaching of foreign languages, a function performed very inadequately by the middle schools.

There are a considerable number of normal schools, higher normal schools, colleges, and technical schools, for students who do not wish to attend or can-

not be admitted to the universities. There are now four Imperial universities, of which those at Tokyo and Kyoto are the best known. Tokyo University has Faculties of Law, Medicine, Engineering, Literature, Science and Agriculture; Kyoto University has the same with the exception of Agriculture. There are also various private and endowed institutions of college or university standing, of which the most important are Keiogijuki (Keio) University; Waseda University —which was founded by Count Okuma; and Doshisha University—a Japanese-Christian institution. On the whole, however, the demand for higher education has outrun the provision of facilities. The universities are unable to accommodate the whole number of qualified students who apply for admission, and every year large numbers of applicants have to be turned away.

The first railway was opened to traffic in 1872. Today there are 5,000 miles of line, yet the increase of industry and trade renders the transportation facilities insufficient and adds to the problem of internal development. In 1906 the government bought out thirty-six private companies, thus concentrating the ownership of railways in its own hands.

Since 1880 the government has stimulated the growth of a merchant marine by large subsidies. This policy has been bound up since 1896 with that of insuring a sufficiency of transports in case of any future war. The subsidies have operated as was expected, and Japan's steam merchant shipping in 1914 totaled 1,700,000 tons gross, placing her sixth among the nations.

The growth of Japanese industries has been phenomenal. From a condition in which agriculture was all-important, Japan has progressed since the Restoration to a place which entitles her to consideration as an in-

dustrial nation. Her rapid development in this respect has already enabled her to take advantage of the awakening of China to Western influences. Her geographical position and her cheap labor are greatly in her favor in competition for Far Eastern trade, but she labors under the handicaps of possessing comparatively limited natural resources and lack of capital. In the initiation and upbuilding of manufactures and the improvement of methods for the exploiting of natural products the government has always led the way. Foreign trade has been developed concurrently with the industrial output, imports amounting in 1913 to some $370,000,000, and exports totaling $320,000,000. There was a falling away in 1914, due to the war. The figures were: imports, $288,000,000; exports, $285,500,000. In the first half of 1915 the exports exceeded the imports, both figures, however, remaining below those of 1913. The United States and China are by far the best of Japan's customers.

Since 1867 Japan has completely transformed her banking system. She now possesses some 2,300 banks which at the end of 1913 had deposits of over $1,000,000,000. More than six hundred of these are savings banks. In 1897 the gold standard was adopted. The currency system has been proved to be sound, and the opportunities for safe investment are numerous.

In the realm of national finance the situation which has developed out of the boundless ambition of new Japan is little short of appalling. Revenues have indeed increased sixfold within the past twenty years, but the burden of taxation has in the same period been tripled, or, if we include the tariff duties, quadrupled. The rates of land, income, and business taxes, instituted for a time of war, have been kept at the increased

figure. This has been necessitated because of *post bellum* policies involving increase of armament, the handling of the debt, colonial enterprises, and measures of internal development. The significance of the situation is brought out in clearer perspective when we consider that the government owns the railways, posts and telegraphs, and forests; that it carries on enterprises of an auxiliary character employing over 200,000 persons; that it holds the monopoly of the sale of camphor, tobacco, and salt—in these various ways narrowing the fields open to individual enterprise, and reducing the potential capacity of the people for paying taxes. The additional fact that the national debt had increased at a more rapid rate than either revenue or taxation during the decennial period beginning with 1902 has operated with those just mentioned to arouse an insistent demand for retrenchment, a demand which successive governments had been seeking to meet in some degree until the outbreak of the present war. But now participation in the war has required additional outlay and a further postponement of economy.

Viewed from every standpoint save that of the financial obligations of her government, the recent domestic history of Japan is inspiring.[1] Japan has shown herself a prodigy among nations. Whether, as is so frequently the case with prodigies, she will early reach a point of arrest followed by decline of vigor will depend largely upon her success in addressing herself to the task of duly proportioning her activities to her ultimate capacities.

[1] At the present moment the evidences of corruption in party politics and the renunciation by Count Okuma of the principle of popular and responsible government are a cause of misgiving to some observers. On this question see Chapter X.

CHAPTER VIII

JAPAN: CONSTITUTION AND GOVERNMENT

THE Japanese people are proud of affirming that their constitution was the gift of the Emperor. The historian knows, however, that the gift was asked for in emphatic terms. "Constitutional government" was the slogan of all the early movements toward the formation of political societies. So marked was this feature of every program that, except for the tendency of the Japanese to rally to the call of leaders rather than to compare principles, one party would have done for all.

The growing influence of the political societies made itself felt in 1881 when the Emperor issued an edict promising a constitution and a national assembly. The latter was to be convoked in 1891; time and opportunity were to be allowed for preparation and for the expression of desires for or against reform.

The Restoration government had been organized in seven departments after June, 1868. One of these was a bicameral deliberative assembly, the Gisei. The Lower House was composed of members, chosen one from each Daimiate, representing the governing authorities and empowered to discuss specified matters under the control of the Upper House. Because of its unprogressive character the Gisei proved short-lived and in 1871 it was replaced by the Sa-in, or Left College. This assembly also contained only Imperial nominees but possessed a somewhat wider range of deliberative

and legislative powers. In the same year a better basis for representation was made possible when the feudal organization was done away with and the centralized system of prefectures was established.

That the highly developed governmental institutions of Europe and America should be examined by and should influence the Japanese in their progress toward a constitution was inevitable. In 1871 a special commission was sent to both America and Europe, and this commission upon its return advised the adoption of permanent laws and a constitution based on Imperial law, which would provide opportunity to consult the wishes of the people in proportion as their capacity for self-government increased.

From this time the Sa-in was continuously memorialized and urged to procure the establishment of a truly representative assembly. The Sa-in considered that, while the samurai and wealthier merchants were capable of exercising the franchise intelligently, the general public was not yet awakened and the power of the clans would be increased, not diminished, by halfway reforms. A step was taken, however, in May, 1874, when the Emperor established a deliberative assembly of local authorities, after which, in 1875, the Sa-in was abolished and the Genro-in was authorized to do certain legislative work. The Genro—made up of the Elder Statesmen—has from then until recently played the first rôle in determining the personnel and policies of the successive governments; in fact, as the real privy council and the mouthpiece of the Emperor, it may almost be said to have been the government itself.

Toward the making good of the Emperor's promise, Ito, Hirobumi and others were in 1882 dispatched to Europe to make a close study of Western political theo-

ries and institutions. Upon their return, the Bureau for Constitutional Investigation was established with Ito at its head. But the work of drafting the constitution was to be done by Ito under the Emperor's personal supervision.

Meanwhile Western ideas were bringing about gradual reform. In 1884 the European system of ranking nobility was adopted. Titles to the number of five hundred were conferred upon men of noble descent and upon civil and military officers who had been prominent in the Restoration movement. A rescript of 1885 established the cabinet system which exists today under constitutional sanction. In 1888 the Privy Council was added to the list of governmental institutions—a move very pleasing to the people since the function of this body was to advise the Emperor on matters of state.

On February 11, 1889, the constitution was promulgated. With its accompaniment of important laws of election, finance, organization of the Houses, and local government, this document was the greatest constructive production of Ito's life. By the gift of the constitution the Emperor, in some degree voluntarily, began the breaking of the road to national self-government, and placed within popular reach privileges and responsibilities great indeed to a people hitherto unaccustomed to representative government. Not that the people received the controlling power. Rather the foundations were laid upon which an edifice of representative government might later be raised. It then remained for legal and extralegal forces to rear the superstructure and to establish the institutions of self-rule. Something of this has subsequently been accomplished and much still remains to be accomplished.

To consider the constitution itself: The center about which every office and every official revolves, and from which all derive their power, is the Imperial Throne. The Emperor remains, as before, the supreme head of the government. Like the English King, in legal theory the Mikado is the fountainhead of justice and honor; like the German Emperor, he has the potential power of an autocrat; unlike either, the legal basis of his power is less its foundation than is the attitude of filial reverence, approximating worship, with which the Japanese people regard him. Emperor not alone by right of inheritance, but by divine ordinance as well, he can do no wrong and his actions are not to be made the subject of irreverent comment or discussion.

The constitution retains in the Emperor the important functions of government, but the executive, the legislative, and judicial powers are to be exercised "according to the provisions of the present constitution." This suggests the sovereign of Thomas Hobbes' "original compact," and the attitude of James I when he declared: "I will not be content that my power be disputed upon but I shall ever be willing to make the reason appear of all my doings and rule my actions according to my laws."

"The Emperor exercises the legislative power with the consent of the Imperial Diet." Ito believed thoroughly in concentration of power. This article in the constitution must, however, be read in connection with a later article which gives to each House of the Diet permission to initiate projects of law. It is therefore inaccurate to say that the Diet's functions are merely passive, though the authority to withdraw unwelcome bills and to amend them gives the Emperor powers

which can be rendered nugatory only through the development of party responsibility and a broadened franchise.

The Emperor's legislative power is rendered effective by the introduction of bills, the withdrawal or amendment of bills brought in by others, and the right to exercise an absolute veto. In the Emperor alone resides the right to propose constitutional amendments. The session of the Diet may last only three months and the Emperor convokes, closes, and prorogues the Diet and dissolves the House of Representatives. During the interim periods the ordinances of the Emperor have the force of law. These must receive the approval of the Diet when it assembles, but the amount of discussion allowed is often so meager that the assent given is perfunctory. Imperial ordinances in conflict with law are of no effect.

The Emperor's executive powers embrace the whole field of administration. To him belongs the power to organize the departments, appoint and remove officials, and fix salaries. In consequence, all officials, including the cabinet ministers, are responsible to him. He has supreme command of the army and navy, he declares war, makes peace, and concludes treaties. Martial law he may proclaim; the granting of titles and other honors lies in him; he orders pardons and rehabilitation. As in England, the cabinet acts for the Sovereign in the performance of all these functions. The Emperor does not directly exercise judicial authority. His appointments and removals give him an indirect influence which is moderated by constitutional provisions requiring the observance of law. Ito was particular about procuring an independent judiciary, and he provided that removals should be only "by way of criminal sentence or

disciplinary punishment," the rules for the latter to be "determined by law." The administrative courts afford the executive the means of safeguarding official authority.

Chapter III of the constitution provides for an Imperial Diet consisting of a House of Peers and a House of Representatives, the first composed of princes of the blood, nobles, and persons nominated by the Emperor. The noble orders below the rank of marquis are empowered by ordinance to elect from among their own number representatives to the Upper House. The persons appointed by the Emperor are chosen from two general classes: (1) those who have become famous for learning or services to the state; (2) persons elected, one for each city and prefecture, from among the highest taxpayers. The number elected by the nobles and those elected by the high taxpayers sit for seven years; those appointed because of distinction sit for life. The number of non-noble members may not exceed that of the nobles.

The House of Peers contains 374 members, the House of Representatives, 381. The members of the latter are chosen from single electoral districts by male electors over twenty-five years of age and paying at least ten *yen* ($5.00) in direct taxes. As the Election Law of 1900 abolished property qualifications for candidates, practically any male citizen of the age of thirty years may become a candidate for the Lower House. With a population of 54,000,000, the franchise is at present restricted by the small tax qualification to about 1,550,000, making approximately one elector to every thirty-four of the whole population. At the last election (March, 1915), about three-fourths of those qualified voted. The House of Representatives is elected for

a four-year term. The ordinary sessions are annual, and last for three months.[1] Members receive a compensation of 2,000 *yen* a year, with free transportation. The presidents and vice-presidents of each House are appointed by the Emperor from among certain members designated by vote of the House. Usually the deliberations are public. The constitution safeguards the rights of members to free speech and freedom from arrest in all but specified instances.

When we turn to examine the checks exercised by the law-making branch upon the administrative department, we fail to find those with which we are familiar in western systems. Dr. Uyehara[2] has suggested that Ito misinterpreted the real nature of the English constitution in that he failed to realize that it is the Cabinet, controlled by the Commons, which, rather than the King, now exercises the function of appointment. Whether or not Ito understood the English system, his constitution is at the opposite pole from the British if we compare the two from the standpoint of the relations of the executive and the legislature. In Great Britain, Parliament is supreme; in Japan, the Emperor, acting through various administrative agencies, is still sovereign. The Japanese Lower House has about that degree of power which had been acquired by the British House of Commons before party government was established; it possesses a resisting power, a potential check upon arbitrary government, which can be made extremely effective when necessary.

The rights and privileges of the Houses are virtually identical. The Upper House sits for a longer period, seven years, and cannot be dissolved short of that period.

[1] Beginning usually on the 1st of December.

[2] Uyehara: "The Political Development of Japan, 1867–1909."

It must, however, be prorogued whenever the Lower House is dissolved.

The powers of the Diet are comprehended under five heads: (1) Legislative power, (2) financial power, (3) power of interpellation, (4) authority to address the Throne, (5) authority to receive petitions.

As already noted, the Houses may initiate ordinary laws and all laws must be approved by them. These powers imply the rights of debate and committee discussion, which are exercised under cabinet supervision and control. The relation of the executive to legislation will require further notice in connection with the discussion of the Cabinet.

The financial system includes the use of a budget, which must be introduced first in the Lower House and requires the consent of the Diet. An analysis of the constitution shows that while the Diet has the power to control taxation and loans, it cannot deal with those administrative fees and other charges "having the nature of compensation," which, because of the many governmental activities in Japan, are the source of one-third of the total national revenue.

Again, a considerable portion of the appropriations elude the Diet. The constitution removes from its control "already fixed expenditures," "such expenditures as may have arisen by the effect of law," and such as "appertain to the legal obligations of the government." The first category, Ito explains,[1] embraces the establishment requirements of the departments, of the army and navy, of all officials, and those necessitated by treaties; the second is made up largely of salaries, pensions,

[1] Ito: "Commentaries on the Constitution of the Empire of Japan."

etc.; the last includes the expenditures necessitated by the national debt.

The constitution permits the government to incur liabilities over and above those of the budget and, although the consent of the Diet must be obtained, since that consent is always sought after the fact—when the money is already spent—objection is futile.

Finally the governmental income is assured by the provision which lays down the decision that: "When the Imperial Diet has not voted on the budget, or when the budget has not been brought into actual existence, the government shall carry out the budget of the preceding year." This provision and another just preceding it in the constitution, which empowers the government "in case of urgent need for the maintenance of public safety" to issue ordinances to supplement the revenue, places the executive in a position substantially independent of the Diet. Thus the financial power of the Diet rests very largely upon the fear that the administration may have of popular disapproval; that is, upon the moral suasion rather than upon the legal force which the Diet can exert.

It is a curious paradox that in every instance where a legislature's position is one rather of opposition than of initiation, its so-called minor powers become the most effective. In the Japanese practice, the right of the Diet to interpellate the ministers and the right to appeal by address to the Emperor are of about equal importance. The latter, however, being inconsistent with real responsible government, must decline in importance with the development of representative responsibility; the former will grow in importance as the chief weapon of the parliamentary opposition in expressing its opinions regarding the actions of the majority leaders. To-

day this important instrument is in the hands of the minority parties. Whether it has been finally settled there or will again be made an instrument of attack by the whole House against an irresponsible Cabinet will depend upon the endurance of the government majority. The normal situation in Japan has been one in which the leaders in the Lower House, no matter of what party, give and withdraw allegiance at will. Hence their usual practice is to resort to the power of interpellation much as the American representative uses his right of speech-making as a method of showing his constituents that he is "up and doing." Irresponsibility to party leadership and party policy leads members into active and often meaningless attacks upon the government. Such an attitude is futile, since the interrogated minister may assign reasons of state or the wishes of the Emperor as excuses for refusing to answer questions. Unless the question is one of nationwide importance, these modes of evasion are usually efficacious.

The right to present addresses to the Emperor is supplementary to that of interpellation. If the Cabinet proves obdurate and refuses to reply satisfactorily, recourse is still possible, over the heads of the ministers, to the Emperor—the father of his people. This is a procedure of great effectiveness in that the Japanese expect from their Emperor the justice of an almost divine being. It is therefore felt by the Ministry to be incumbent upon it to prevent, if possible, resort to the address, lest this bring down upon it popular criticism and Imperial censure.

The last right, that of receiving petitions, is of small importance because, unless the government desires to take up the petitions, the Houses are powerless to procure their consideration. Furthermore, the Houses can-

not receive petitions affecting the constitution or cases before the administrative courts. This power is not likely to become important since, although an increased development of cabinet responsibility will lead to more ready consideration of petitions, this will probably be accompanied by an increased intimacy between members and their constituencies, which will render the occasions for petitioning less frequent.

Japan has not yet arrived at a régime of representative government. The well-formed public opinion from which a representative legislative body must take its cues does not exist. The power of the bureaucracy still remains the recognized and accepted thing. It follows that the brilliant oration and serious debate in parliament which flourished for a brief period while the transition from the old to the present governmental forms was being effected has languished and all but disappeared. The real discussion takes place in committees, to which cabinet members have the right of entry. The power of the lobbyist with money and favors to exchange for laws and subservience is stronger than that of the members who will argue and stand for principles. The willingness hitherto of the members of the Lower House to sell their votes has left the House of Peers an important conservative force. The majority in that House oppose party control in principle and support the government. The normal Japanese Diet thus presents the spectacle of a tug of war with the two Houses at the opposite ends of the rope.

Not finding in the Diet the instrumentalities by which the government is carried on, we turn to three other forces in the state: one entirely outside both law and constitution, the other two recognized by and partially ruled for by the constitution.

The Genro, or Elder Statesmen, an extraordinary group of men of whom but a few now remain, have been since 1868 the sustaining advisers of the Emperor. To this group the great clans have all contributed their leaders, and, through the stress of change, of wars, of reform, and of the development of parties, these leaders have charted the course and controlled the helm of the ship of the state, making and unmaking cabinets, instituting such alterations as seemed compatible with the progress attained, now and then the butt of ridicule for failure to move more rapidly, but always watchful for the best interests of Japan. To the Genro unquestionably belongs the credit and praise for having brought the nation through the most critical part of the transition period. The mention of such names as Ito, Yamagata, Itagaki, Katsura, Inouye, Oyama, and Matsukata is enough to prove the paramount capacity of the extralegal body they have composed. Today there remain only three of the great group of Elder Statesmen and these are all men far along in years.[1]

The Cabinet and the Privy Council, having already found a place among the organs of government, received small attention in the constitution. That instrument simply provides with regard to the first that the "ministers of state shall give their advice to the Emperor and be responsible for it," and that all laws, Imperial ordinances and Imperial rescripts which relate to affairs of state must be countersigned by a minister; with regard to the second, that it shall deliberate, when consulted by the Emperor, upon matters of state.

The Privy Council, which contains *ex officio* all the cabinet ministers, is thus continued in its original capacity as an advisory board to the Emperor. It has

[1] See *infra*.

no other functions or powers. Its decisions are shaped in the main in conformity to the will of the Cabinet when that body contains men of commanding influence. On the other hand, the approval of the Emperor gives to a decision of the Council a sanction which the Cabinet may not question.

The position of isolation from parliament and electorate which the Privy Council occupies places in the hands of the Cabinet a peculiar power. It enables the ministry to escape, in especially difficult circumstances, the consequences of its acts. By incorporating ministerial policies in the procedure of the Privy Council, the interpellation in the Diet may be avoided.

The Cabinet as an institution is not mentioned in the constitution, which merely indirectly recognizes its existence. It is made up of the heads of the nine administrative departments in addition to the premier. The premier is appointed by the Emperor and chooses his Cabinet as he deems expedient. Without recognizing the principle of party government and responsibility to the dominant group or combination of groups in the Lower House, there nevertheless exists the realization that government by consent cannot be possible unless members of these groups compose the Cabinet. The ministers for the army and the navy are still appointed from outside party circles. And it is always to be remembered that the ministers are responsible neither to parties nor to the electorate, but solely to the Emperor.

As the channel through which the Imperial prerogatives are placed in operation, the Cabinet is the most important actual organ of the government. Its powers are the powers of the Emperor and embrace practically the whole fields of administration and legislation. Isolated from the world as the Emperor is, he must assent

most frequently to the proposals of the Cabinet, whence that body becomes a policy-determining as well as a policy-enacting body.

The actual administrative functions have already been indicated in discussing the Imperial powers. All these the Cabinet performs as in Great Britain, in the name of the Emperor.

The constitution and the laws secure a large degree of independence for the ordinary courts. Over the administrative courts the Cabinet has entire control. These are established by Imperial ordinances and the premier appoints and removes the judges. Thus in its relations with the people the government is as amply safeguarded as in those with the Diet.

Cabinet ministers may sit and speak in either House, or they may delegate other members to speak for them. They possess free entrance to all committees. They may introduce, amend, or withdraw bills on any subject, and their bills have precedence over those of private members. The effectual legislative power of the Cabinet may be realized from the fact that since the Diet was instituted the Emperor has never refused his approval to any law presented to him.

In the interpellation, questions are answered or not according to the will of the Ministry. The House is frequently placed at a great disadvantage through the withholding of information. It has, however, no power to compel the giving of information; its only recourse is to bring on a dissolution, and that is so likely to put the House in a state even less to its liking than being left in ignorance that only the gravest disagreement will lead it to push matters to such a conclusion.

The prorogation for fifteen days is an effective weapon of the Cabinet, which it can suspend as a sword

over the head of the Diet to force concentration of attention upon its own bills. Through its use the government shortens the already brief session.

Finally the Imperial right to convoke and prorogue the Diet and to dissolve the Lower House furnishes the decisive instrument by which the government succeeds in legislating "with the consent of the Diet." The power of dissolution is used in Japan as it is in Great Britain, but with this tremendous difference, that in Japan it is a manifestation of Imperial displeasure, indicating that the Emperor's government is at variance with the people's representatives and that he wishes the people to elect others. Furthermore, the succeeding election will bring out the efforts and influence of an all-pervading bureaucracy exerted upon the side of the government. An excellent illustration of this was given in the dissolution of December, 1914, and the elections of March, 1915.[1]

A special feature of the legislative power is that connected with finance. The preparation of the budget is a ministerial function. The Cabinet, alone, fixes the many administrative fees which bulk large in the sources of revenue. On the other side of the national account sheet there are numerous appropriations of a permanent character which the Diet may not alter without the consent of the government. Expenditures in addition to the budget "shall subsequently require the approbation of the Imperial Diet," but may be incurred on cabinet responsibility. We have already noted the provisions of the constitution which insure sufficient funds in the event of recalcitrancy on the part of the Diet, or extraordinary circumstances that prevent the convoking of the Diet.

[1] See *infra*.

In the spring of 1915 a British cabinet was completely transformed because of dissatisfaction primarily with the acts of one departmental head. Such a transformation is not to be expected in Japan because there the Cabinet is not responsible as a whole for the acts of individual members. Neither are ministers responsible for acts of the Cabinet as a whole. The complete structure of model parliamentary government will not have been established in Japan until cabinets are homogeneous and responsible to the House which has elected them. The ministers of state do not act as a body and in accord with the will of the premier, but they are responsible only for the action taken in connection with their own departments. In Japan as in the German Empire, the premier is all in all; the ministers are of comparatively small importance. This is becoming gradually less the case as real party government takes the place of autocracy in responsible guise.

Last in order among the fundamental institutions comes the judiciary. Without establishing particular courts, the constitution provides such safeguards as the law may afford to insure judicial independence and honesty. The courts are to exercise the judicial power according to law; they are to be organized according to law; the judges must be appointed from among lawfully qualified persons; unless dismissed for criminal act or by way of disciplinary punishment, the rules for which are matters of law, judges are to have life tenure; all cases involving officials or between them and private persons are to go to the Court of Administrative Litigation. These administrative courts take cognizance of a class of cases numerous and important enough to guarantee to the government that pronounced supremacy that has been shown to exist throughout the other branches.

Cases arising over direct and indirect taxes—excepting export and import duties—certain cases involving business pursuits, irrigation cases, and in general cases affecting the official hierarchy, all come before the administrative judiciary. And when we remember that "according to law" in Japan signifies substantially "according to the wish of the government," the legal safeguards surrounding the ordinary courts are seen to have, of necessity, but small force as a final restraint upon governmental action.

The same observation may be made concerning the Japanese "bill of rights," which composes fifteen articles out of the seventy-six that make up the constitution. Equal eligibility to office; liberty to change his place of residence; freedom from arrest, trial, and punishment; the right to judicial trial; exemption of his house from liability to search; privacy of correspondence; inviolability of property rights; freedom of religious belief; liberty of speech, publication and association; and the right of petitioning the Diet are specifically guaranteed to the individual subject by the constitution. But in no instance does the constitution itself declare the conditions by which these precious privileges shall be preserved; in no case does the constitution declare that such and such a law shall not be passed or that a certain act shall not be done; in no case does it assign a penalty for the agent who shall contravene one of these rights. In every case the privilege is to be exercised "according to law" or "within the limits of law." Such a guarantee may easily come to resemble an instrument of sounding brass. There is value in the constitutional expression of these rights so long as the Throne feels its moral obligation to observe them; but their compelling force is obviously slight indeed.

Amendments to the constitution not only require Imperial sanction; they must be proposed to the Diet by Imperial order. Debate upon them cannot be begun unless two-thirds of the members of the House are present, and passage requires the affirmative vote of two-thirds of those present. No amendment may be proposed during a regency. This article has sufficed to prevent any amendment during the twenty-six years since the constitution was established.

As a written document the Japanese constitution is a model of brevity and clear expression. It is also remarkable for the skill with which, while appearing to establish many new and democratic forms, it preserves old and autocratic facts. If we are justified in assuming that Japan will press forward to attain Western responsible government, Ito's constitution must be regarded as a master instrument for the transitional period. It expresses the political concepts of the Genro; it preserves authority that can be relied upon until such time as another authority can be developed and trained to take its place.

We find in the Japanese character and traditions the explanation of the matter-of-fact way in which the people have accepted the work of the leaders in their constitutional development. The skill with which the Ruling House and the Dynasty have retained the loyalty of the people and led the classes and factions as one united nation through the vicissitudes of fundamental change without revolution all but baffles Western comprehension. We can to some extent, however, understand the results of these forces and we cannot fail to admire the spirit of coöperation, of working together for the great national interests, which the Japanese have exhibited. Their great problem for the immediate fu-

ture is to preserve their unity of action and purpose while ridding themselves of the shackles of traditional authority. For a people habituated through the centuries to obedience to superiors, and unaccustomed to the exercise of individual initiative, this change will require tremendous readjustment. The conception of representative democracy has penetrated only very slightly and affected only certain groups. The world watches, not without apprehension for Japan's internal peace, the movement which has begun to make itself manifest toward the political recognition or self-assertion of the proletariat.

CHAPTER IX

JAPAN: POLITICAL PARTIES AND PARTY POLITICS

A TRANSITION period in the life of a nation is seldom without its accompaniment of contending political theories. To arrive at an adequate conception of the problems of contemporary Japan it is necessary to go to some extent into the history of political views and of factional and party alignment. Although it is but a short while since political associations first appeared, today, as during the past two decades, we find internal political developments centering largely around, and foreign policy complicated by, party strife. A survey of Japanese party history will not only throw light upon present-day problems, but it will at the same time supplement and elucidate the record of the constitutional movement.

In analyzing Japanese political situations, certain salient facts must be kept in mind. It is now only sixty years since, upon the urgent request of the United States, Japan began to emerge from her two centuries old attitude of exclusive seclusion. It is now but forty-four years since Japanese feudalism was abolished; and it is well to remember that the abolishing of the forms of an institution does not at once do away with its ideals and practices. It is but twenty-six years since the first elections were held for the Imperial Diet. The Japanese political party puzzle is sufficiently complicated for the Japanese, but it appears confusion confounded to

the uninitiated Occidental who, unfamiliar with the peculiar constitutional structure of the Japanese state and baffled by Japanese names and the duality and triplicity of translations which have been attached to some of the party designations, is at first utterly at a loss when trying to discover what are the real issues among, and what are the respective objects of, these various parties. For present purposes it will be expedient to follow closely the main lines along which development has proceeded, avoiding the numerous *culs de sac* which invite to easy but profitless digression.

In the background there stand four permanent factors, referred to and in some sense evaluated in the chapter dealing with the constitution. These are the Emperor, the Genro, the clans, and the bureaucracy. These together have composed the government. One outstanding feature has been the control of the official hierarchy by the clans through the Genro, the Genro having been recruited from among clan leaders. Another feature of outstanding importance: in the course of the political unfolding, the men of one of these clans, Choshiu, have gotten control of the army, while those of another, Satsuma, have taken unto themselves the navy. For twenty-five years cabinets have been made and unmade by the Genro, their choice alternating between army and navy men in accordance with the relative ability of potential candidates from the respective clans. Beneath this oligarchical domination has spread the dependent minor officialdom—completing the administrative system and forming the link between the government and the people.

Once we realize the importance of these factors, it becomes possible to grasp the general nature of the issues which have run as current and cross-current

through the recent years of Japan's internal politics.

First: Believers in real representative government have been fighting against the absolutism of the oligarchy and the bureaucracy.

Second: There has developed a feud, over the matter of appropriations and policy for their respective branches, between the supporters of the army and those of the navy, which has lessened the power of the clans as such and contributed to the ultimate supremacy of the parties.

Third: The people have at last discovered that they in the long run pay the piper, while the government, the army, and the navy dance; and they are beginning to revolt against the burden of taxation which modern development and imperial expansion have put upon them and whose weight is, by Western standards, absolutely appalling. They have begun to object alike to the appropriations asked by the navy and those demanded by the army—for both of which, incidentally, they are beginning to hold the bureaucracy responsible.

Taking up now the thread of party history, we shall speedily see how these issues have been developing and how the lines of difference have been emerging more and more clearly through three decades.

In 1874 Itagaki Taisuke organized an association called the Risshiska for education in political science. Soon after this a Patriotic Association, the Aikokusha, was started along similar lines. From these beginnings political parties have developed. In 1880 the first of the parties was founded, this being the Jiyu-to or Liberal Party, organized under Itagaki's leadership. In the next year a reorganization was effected and a program adopted in which the call for the establishment of constitutional government was the central feature.

In 1882 Okuma Shigenobu organized the Kaishin-to or Reform Party, which afterwards became known as the Shimpo-to or Progressive Party. This had a program calling for internal reform as necessarily precedent to emphasizing international rights and prestige, and proposing to extend the spheres of local authority, to broaden the franchise, to promote commercial intercourse while avoiding complications with foreign states, and to reform the currency system.

In the same year the government supporters organized the Teisei-to or Imperialist Party. Their party pledged itself to absolute obedience to the Mikado. Its program contemplated the reforms foreshadowed in the Imperial promise of a constitution and contained as its most important plank the proposition: "An absolute veto power over all legislation should be left in the hands of the Emperor."

The Liberals, following Itagaki, were radicals, doctrinaires, revolutionary rather than evolutionary in their ideas. Later events proved them also to be opportunistic, but that characteristic has not been peculiar to them. The Progressives, following Okuma, were progressive-conservatives, practical, bent on reasonable reforms. Okuma's avowed purpose was to place the control of the cabinet in more democratic hands. He objected to clan government and continuously directed his efforts against it. The Imperialists [1] were thoroughly conservative, bent upon restraining or checkmating the tendency toward democracy. Political parties were at the time forbidden by law to have any branches in the provinces. The consequence was that numerous local parties sprang up, which by the use of the word *"rikken"*

[1] Led by Fukuchi Genichiro, Maruyama Sakura and Misaki Kamenosuke.

(constitution) in their titles indicated the importance attributed to constitutionalism. But dissolution overtook them all before two years were past. This was due partly to a decline of interest after the Emperor's promises were made known; and partly to repressive measures curtailing freedom of speech and liberty of the press. For several years thereafter there was comparatively little party activity.

The constitution went into effect in 1889. The first national election was held in 1890. The three hundred members then returned to the Lower House were divided into ten groups, the largest being the Independents with sixty-nine members. These groups coalesced into four, then into two which operated in practice as an official party and an opposition. The largest of the four groups was the resuscitated Jiyu-to or Liberal Party. Itagaki was bent especially upon securing modifications of the laws interfering with freedom of speech and association, and in addition he desired reform in local government, retrenchment, and education. The second largest group was that of the Progressives under Okuma. During the years between 1890 and 1900 the normal situation was one of opposition between the government and all the parties which manifested inclinations toward insubordination. Outside and inside the Diet, parties grew stronger. In 1893 the law against provincial branch organizations was repealed. In the first two years of parliamentary history, two premiers left office on account of clearly demonstrated popular disapproval. Then Count Ito became minister-president, and by virtue of enthusiasm over the war with China, held his office for four years. In all these early sessions of the Diet the great object of disagreement was the budget, the house uniformly demanding a re-

duction of at least ten per cent. on the government estimates.

Ito's announced attitude was one of "equal recognition and equal benevolence" to all parties. In fact, however, he attempted in 1894 to procure an alliance with the Liberals, and in 1895 he obtained a favorable majority by a combination of the Liberals, the Nationalists and the official party, thus creating for the first time a government majority in the House of Representatives. At this time Itagaki was made Minister of the Interior. The clans gave evidence of their hostile attitude toward parties by demanding that Itagaki leave his party and by announcing that his appointment was due not to party service but to his deserts for services as a statesman. Itagaki nevertheless did not accept office without a promise of reform along liberal lines—calling especially for liberty of the press and for a greater degree of cabinet responsibility to the House. The House of Peers prevented the passage of the liberal measures and, upon losing in consequence the support of his new allies, Ito resigned.

Count Matsukata, who then took office, included in his cabinet Count Okuma, not as leader of the Progressive Party, of course, but in order to separate him from his party. Count Okuma soon resigned in deference to his principles of responsibility to the Diet and the people. The usual procedure by which a ministry vindicated its independence of popular support followed. The Premier first dissolved the Diet and then resigned.

The Liberals made advances to the Ito ministry which succeeded Matsukata, but their demands for compensation were considered excessive and Ito determined to put them to the test of swimming the political sea alone, no doubt expecting them to sink ignominiously. To

this end he advised the Genro to place in power the two most prominent party leaders in the country, Okuma and Itagaki. The party of the former, the Progressives, who in 1896 had changed their name to Shimpo-to, had, in desperation, united with the Liberals to form the Kensei-to or Constitutional Party, with party, cabinet, and ministerial responsibility as the central plank of its platform.

Thus there came in 1898 the first attempt to establish a "party" government. In addition to a responsible ministry and plans for many internal improvements, the program of the new party called for emphasis of national rights and prestige, together with extension of trade and commerce. The new commercial treaties which effected Japan's emancipation from tariff restrictions and insured the abolition of the extraterritorial jurisdiction of foreign nations had already been signed, and these treaties went into effect in the next year, 1899.

Ito did not suggest putting the Kensei-to leaders in power until after he had attempted to win over Marquis Yamagata and other Elder Statesmen to the idea of either establishing a government party, with himself at its head, or making sufficient concessions to insure the support of the dominant political party. Marquis Yamagata, a conservative Imperialist, the "Walpole of modern Japan," insisted that "to make the government dependent upon any political party was a violation of the spirit of the constitution." As a result Ito resigned and the Okuma-Itagaki combination was called upon to form a new cabinet, which it did, with Count Okuma as Premier and Count Itagaki as Minister of the Interior. Four portfolios went to the Progressives, three to the Liberals, while the army and navy departments

were put in charge of non-party men. The Diet was not in session, and a general election was to intervene before the beginning of the next session. The new cabinet was, therefore, not based upon membership in the Diet. And although, as we have seen, there had been some slight tacit recognition of parties, this was far from sufficient to have laid a sound foundation for a party government, still less so for a combination party government. The fortuitous character of the Kensei-to was soon apparent, and within four months discussion over conflicting policies and over the division of the spoils made continuance of the coalition government impossible. The Liberal-Progressive combination went out of office, and for the time being the clans were rendered stronger than ever. The attempt at party government had proved premature. But it had its effect in paving the way for the recognition of party groups as real political factors. The tradition that party men could never hold office had been shattered.

Marquis Yamagata, compelled to read the handwriting on the wall, upon taking office made a working arrangement with the Liberals, without, however, including any party man in his cabinet. New tax laws were imperatively needed, and with the aid of the Liberals these were passed. The support of the Liberals was alienated when numerous offices upon which they were looking enviously were made dependent upon competitive examination.

Ito had only ten years before insisted upon "ministerial independence." One of the secrets of his great success as a statesman was, however, that he placed wisdom above consistency. He now demonstrated his superiority to theories by organizing a party of his own. The

Liberal Party was dissolved, and Ito's new party appeared under the name of Rikken Seiyu-kai, or Constitutional Government Friends Association. Thus was formed what is now the strongest political party, the Seiyu-kai. Its leaders were Ito, Suematsu Kencho, Saionji Kimmochi, Hoshi Toru and Matsuda Masahisa. Ito was making use of an up-to-date method of directing and controlling opinion.

The Seiyu-kai program called for business methods in administration, friendship with foreign nations, the perfecting of national defenses, promotion of education and development of the national character, and general internal development. To offset the influence of this party, the Progressive Party was reorganized, with Count Okuma as leader. Marquis Yamagata resigned, and Ito was called upon to form a cabinet. This he did, with seven Seiyu-kai and three non-partisan members. The Seiyu-kai commanded a majority in the Lower House. But the Upper House, resenting the fact of Ito's having become a member and leader of a political party, opposed him. The old clan spirit was not given to yielding easily. Even with Ito the arbitrary spirit of clan government was too strong to permit quick adaptation to party politics, so that, when before long the ministers disagreed, he, unaccustomed to party leadership, made no attempt to bring about harmony but instead resigned. No one of the Elder Statesmen was then willing to form a new government. The idea of bowing to the desires or demands of parties was the stumblingblock. Under these circumstances the Genro decided to abstain from holding office, leaving the actual work of government to younger men, who should be under their control. This determination led to an outside follower of Yamagata, Viscount Katsura, being

put forward and given a mandate to form a ministry. Katsura selected a cabinet containing none of the Elder Statesmen and at the same time containing no members of political parties. The first Katsura Ministry was thus of a transitional character such as the logic of evolutionary growth demanded.

During the next five years there were five cabinets, headed successively by Katsura, Saionji, Katsura, Saionji, Katsura. These manifested throughout almost no difference in policies of state, though the political ideas of the two leaders were by no means identical, Katsura being a disciple of one of the strictest clan leaders, while Saionji, with his French training, was in various respects an ardent democrat. However, with Katsura as with Ito and Yamagata, concessions to the actualities became inevitable, and ten years later it was Katsura himself who came forward and led in a third attempt to form a party government.

Katsura Taro was of the Choshiu clan. He was first and always an army man. In 1885 he had assisted General Kawakami in reorganizing the army. He was Minister of War in 1898 while Marquis Yamagata, the political head of the militarist faction, was Premier. Until 1912 he stayed by the tradition of military despotism and clan government.

Katsura's first premiership endured for four and one-half years, the longest term through which any Japanese Cabinet has continued in power. Fortunately for him, the Progressives as well as other opposition parties had reached the conclusion that their own ends might be better served through coöperation with the government than through unrelenting opposition. When he came to office they were prepared to trade their support for recognition and its advantages. The Russo-Japanese

War brought with it naturally a cessation of internal political dissensions and led the Diet to demonstrate its patriotism as a unit by loyal support of the government through that crucial period. In the session of 1903, however, Katsura had shown his mettle and his strength by retaining office in the face of party opposition led by Ito and involving a majority of the lower chamber. Ito had demonstrated his inability to lead a party when he himself was in power; he now failed to make the most of the leadership of a majority opposition.

In July, 1903, Ito dissociated himself from his party and reëntered the Privy Council. His place as leader of the Seiyu-kai was taken by Marquis Saionji. Katsura had won in the contest against party government, and his belief that the people should obey those appointed from above to rule them had been strengthened. With such a conception, Katsura was never popular and he did not care for popularity. His two great aims were "to make Japan the premier country in the Far East and to make the Choshiu clan predominant in Japan." This of course spelled, for one thing, militarism in the extreme.

It was Katsura, as Premier, and Count Hayashi, then Minister to London, who made the Anglo-Japanese alliance in 1902. In spite of Ito's preference for an agreement with Russia, Katsura and Marquis Yamagata secured the support of the Emperor for the English alliance. This cemented the foundation of Katsura's power and of his success. The alliance gave Japan her chance to face Russia without fear of a third power. It gave her the financial support necessary for defiance of Russia. It thus made possible the war. Success in the war established Japan as a first-rate power and vindicated the imperialistic program of the

military group. For all this Japan owes Great Britain a very large debt of gratitude.

Katsura incurred popular resentment through his repression of freedom of speech during the war period, and a wave of indignant disappointment was the popular reaction to the announcement of the terms of the Portsmouth treaty. He resigned in 1905 to avoid the results of this ill feeling and to leave the task of financial reorganization to a fresher and younger man. The war had added enormously to Japan's already large debt and taxes, and Katsura had been no more successful than was Pitt a century before in England in his attempt to pay off one debt by creating another. On Katsura's recommendation, Marquis Saionji was appointed premier. Saionji, by this time the Seiyu-kai leader, was a disciple of Ito and a believer in party government. For three sessions he had the support of the Seiyu-kai but he did not attempt to construct a party cabinet. He followed the lines of Katsura's policies and he made practically no progress toward the solution of the great financial problem which has confronted Japan.

After three years Katsura was again called to the premiership. He received the support of the Seiyu-kai, for what reason it is difficult to understand unless it was that the party was looking forward to seeing Saionji restored when he had completely recovered from his "illness." Katsura was strongly intrenched, the parties were tired of opposition for its own sake, and the nation was well pleased with the measures of the government in its Korean and Manchurian policies. At this time the Seiyu-kai had an absolute majority in the Lower House, and with their support Katsura had little difficulty in getting through his budgets and other impor-

tant measures. But the people grew restive under his leadership, especially because of his autocratic methods and disposition to favor the army, and he was finally denounced as a despot and a bureaucrat. Marquis Saionji was summoned again in September, 1911, to take up his mantle.

During the second Katsura ministry several events of great consequence had taken place. Effective advances had been made toward the consolidation of Japan's interests in South Manchuria. The bullet of a misguided Korean patriot had removed Prince Ito in 1909. Japan had proceeded to the annexation of Korea in 1910. Katsura had definitely committed Japan to a high protective tariff policy, with the revision of her commercial treaties, in 1911. In 1910 the Shimpo-to party was dissolved and a group of the Progressives, ninety-two strong, took the name Kokumin-to or Constitutional Nationalists. At this time various minor parties existed: the Yushin-kai or Reform Party, standing for eradication of corrupt practices and the discontinuance of the war taxes; the Boshin or Commercial Club, made up of business men; and the Chuo or Central Club, made up of independent members of all parties. Handicapped in competition for governmental favors by the prominence and numbers of the Seiyu-kai, these parties, especially the Nationalists, strove to break up the Seiyu-kai by putting forth some distinctive policy which might serve as a lodestone for the rallying of a strong party. The Progressives have, of all Japanese parties, shown most comprehension of the meaning of party loyalty and least tendency to opportunism, largely, no doubt, because of the magnetic personality and consistent principles of their great leader, Count Okuma. Although Okuma resigned his leadership to

younger men in 1907, he remained the inspiration and guiding counselor of the party.

Marquis Saionji entered upon his second ministry in September, 1911, with financial problems greater than ever to face. By this time militarism had run mad. There was on the one hand the problem of reconciling a policy of financial retrenchment with the demand for military expansion; and on the other that of meeting the demands of both the army and the navy. It was especially on the latter point that the second Saionji ministry went to pieces. The Choshiu men were now insisting upon putting two new divisions of the army, 40,000 additional men, into Korea. Saionji was bent upon retrenchment, and the Diet was planning a cut in the budget of from ten to fifteen per cent. all along the line. The War Minister, Baron Uyehara, insisted on meeting the demands of the army and, rather than yield, resigned. The Cabinet was unable to find another minister from the ranks of the army who would stand against the demands of the Choshiu clan. The issue was clearly drawn between the military and bureaucratic factions on the one hand and the civil and democratic elements on the other. It is a remarkable commentary upon Japanese politics that as late as 1912 a premier having the popular confidence to an unusual degree and backed by a majority in the House of Representatives was forced to resign by the contumacy of a proponent of the militarist program.

In 1912 the Emperor Mutsuhito died. He had been the personal embodiment of the spirit of new Japan. During the forty-five momentous years of the *Meiji* or Enlightened Era, the magic of his sacred name was among the instrumentalities which inspired the activities of the nation; the acts of the ministers were re-

garded as expressions of the Imperial will; a rescript from or a reference to the Emperor sufficed to win the support of the nation or silence opposition to many a measure which would otherwise have been defeated. His passing could not fail to weaken the impelling force of loyalty to the throne which had been one of the chief reliances of his successive governments. Immediately upon the death of the Emperor, Prince Katsura was called back from a mysterious mission upon which he had been sent to Russia and was attached to the person of the new Emperor as Lord Privy Seal and Grand Chamberlain.

Upon Marquis Saionji's resignation, the Emperor called on Prince Katsura to come once more into active life. Four months previously Katsura had declared himself forever through with politics. Marquis Matsukata, noted for his financial ability, was too old to lead a cabinet; and General Terauchi, whom Prince Yamagata favored, was too deeply concerned with Korean affairs as well as too valuable in that connection to be recalled. Katsura was placed in office over the heads of the party leaders, he was regarded as the embodiment of the bureaucratic spirit, his acceptance of office in December, 1912, was hailed by the people as an apostasy from his declared intention to keep out of politics, and his accession was greeted by a violent outburst of opposition. Seiyu-kai and Kokumin-to journalists met in Yokohama and passed, with tremendous excitement, the following:

> Resolved that, whereas through the insolence and arrogance of the clans, which have now reached the extreme point, constitutional government is in danger, we hereby pledge ourselves to exterminate clan government and refuse all offers for compromise or reconciliation, in order to protect the constitution.

Katsura had lost the popular confidence. But he still thought that he could win by adopting his opponents' tactics. In January, 1913, he announced his intention of forming a new party of his own, "to achieve the perfection of constitutional government." The announcement did not achieve its purpose. Mob violence began in February. The press reflected the Diet's dissatisfaction, and venerable and heretofore revered statesmen were lampooned in true Western style. Katsura was stoned; the journalistic establishments which supported him were wrecked. But Katsura stood by his task. On the 7th of February he issued a manifesto looking to the formation of his new party. In order to avert a vote of censure in the Diet he resorted to an Imperial ordinance and suspended that body. In his effort to combine the old tactics of the Genro and the bureaucracy with the new methods of party support he actually alienated both sides at once. A resolution expressing want of confidence was signed by two hundred and twenty-nine members of the Diet, two hundred and fourteen of them being of the Seiyu-kai. The resolution complained of the Premier's resort to Imperial rescripts, charged him with using his office for personal ends, and declared that his refusal to reply to interpellations would mean the destruction of constitutional government. On the other hand the bureaucrats considered him a deserter. The men who came to the support of his newly raised standard were either his own protégés or certain of the most disliked and distrusted of Japanese political leaders. With these he could not regain the confidence of the country, though he worked desperately toward that end. He enlisted the help of the Emperor and of Marquis Saionji. He was fighting against the principle of responsibility to

the Diet and he was defeated. Not even the expression of the Imperial will swayed the opposition from its purpose. After leaving office Katsura himself conceded that in his opinion no premier should thenceforth attempt to carry on the government without a parliamentary majority behind him.

The formation of Prince Katsura's party was accompanied by a complete break-up of old party lines. His new organization, the Rikken Doshi-kai, the Constitution Friends Party, or Unionists, came out with ninety-three members. The Kokumin-to, which had formerly ninety members, lost forty-seven to this new party, retaining forty-three. The remainder, led by Mr. K. Inukai, were firmly pledged to party politics and were foremost in causing the fall of the Katsura Cabinet, as they were subsequently in that of the Yamamoto Cabinet. They have since been bent on the overthrow of the Okuma Cabinet.

The Seiyu-kai still retained a majority so that, upon Katsura's fall, in the natural course of events, Marquis Saionji as their leader should have returned to power. But the Emperor had been persuaded, before Katsura fell, to order Saionji to make terms for his party with Katsura. This Saionji, as an honest party leader, could not do. He was thus made to appear disobedient to the Emperor, with the result that for the moment he had to retire from active politics. The name of the Emperor still retains much of its magic power.

The clans were still to make another attempt to avert the impending transition. They prevailed upon the Seiyu-kai to agree to support a Satsuma clansman, Admiral Yamamoto. Though a navy man, Admiral Yamamoto was somewhat under the influence of Prince Yamagata. Upon his assuming office, Mr. Yukio

Ozaki and some twenty-four other members of the Diet seceded from their party and formed the Seiyu, or Constitutionalists, Club. This group, together with the Nationalists, insisted upon party government with no compromise.

During the summer Prince Katsura fell ill. In the autumn he died. The leadership of his new party passed to Viscount Oura, Baron Goto, and Baron Kato, none of whom was in favor with the people.

Prince Katsura was undoubtedly the greatest statesman of modern Japan after Prince Ito. As an Imperialist, he went beyond Ito. In turning finally from the principle of bureaucratic government and in breaking away from the control of the Genro, he contributed, though late, to the progress of the movement toward popular government.

Probably never again will a Japanese minister be chosen from the ranks of the Elder Statesmen. The members of that unique and wonderful group have one by one disappeared. Ito, the maker of the constitution, the organizer of the Seiyu-kai, the author of the Chino-Japanese War, the first resident-general of Korea, the foremost diplomat of Japan, was assassinated in 1909. Katsura, the maker of the Anglo-Japanese Alliance, the conductor of the Russo-Japanese War, the founder of Japanese influence in Manchuria, went, as we have seen, in 1913. General Nogi, hero of the Russo-Japanese War, followed his Imperial Master to the grave in 1912. Marquis Inouye, the early comrade of Ito, repeatedly a cabinet minister, "guardian of the treasury," and in later years ofttime mediator when the views of other leaders have clashed, has just recently passed away[1] at the age of eighty, after more than

[1] September 1, 1915.

fifty years in the service of his country. There remain: Prince and Marshal Yamagata, a war lord and uncompromising opponent of party government; Prince and Marshal Oyama, who stands for the army faction but is not active in politics; and Marquis Matsukata, the founder of Japan's financial system. Each of these men is over seventy years old. Prince Yamagata, the most influential, is seventy-seven. There is little likelihood that any new men will succeed to the mantles which were worn by these great leaders of the transition period. At the same time the influence of the little group of members who survive still remains a decisive factor in the choosing of cabinets and the framing of policies.

The Katsura Cabinet had resigned on February 12, 1913. The Yamamoto Ministry which succeeded to office contained six members of the Seiyu-kai, which still retained a majority in the Diet. The army and navy departments were left in non-party hands. As the Seiyu-kai had declared that they would support none but a party cabinet, and as the cabinet of Yamamoto was clearly the product of a compromise which left the controlling influence in the hands of the Genro, the party was accused of having sold out to the bureaucracy. The Nationalists severed their connection with the Seiyu-kai and seceders established the Seiyu Club as we have already noted. Many of the latter have since returned to the Seiyu-kai.

The appointment of Admiral Yamamoto as Premier meant a temporary eclipse of the army faction and ascendancy of the navy—a victory for the Satsuma clan at the expense of Choshiu. It meant temporary defeat to the demands of the army for additional Korean defenses. The budget estimates submitted in January,

1914, were lower than those of the preceding year for the army, but were three per cent. higher for the navy, while a new naval program was submitted which contemplated an increased outlay of $80,000,000 in seven years. Thus, while Admiral Yamamoto had proposed, along with the relaxation of government interference with industrial undertakings and the maintenance of the *status quo* in the Far East, a policy of financial reform, his first budget showed no sign of putting the principle of retrenchment into practice. Popular sentiment was therefore already crystallizing in hostility to the navy program, when an exposure began which finally culminated in the fall of the Yamamoto Ministry.

In January, 1914, definite news reached Japan of developments in a trial in Berlin which indicated that several officers in the Japanese navy had been guilty of graft in making purchases for the navy. Coupled with this came similar accusations in connection with contracts with an English armament firm. The opportunity for a violent attack upon the bureaucracy was not lost. A committee of inquiry was instituted, which led to the indictment of two officers and a court-martial procedure. The opposition in the Diet called on the ministry to resign. This the ministry refused to do until the findings of the court-martial should be known. An attempt was made by the opposition to pass a vote of censure on the government. This was defeated through the Seiyu-kai support of the government. But the people protested against the vote. As in 1912, great mass meetings were held and near riots became frequent. Both Houses were agreed on demanding a radical reduction of the naval estimates, but a deadlock arose over the amount of the reduction, the Peers demanding double that proposed by the House. In the

face of this widespread opposition, the Cabinet on March 23 suspended the Diet for three days and on March 24 resigned. The government declared that the resignation was not due to the naval scandal but to the fact of Parliament's failure to agree on the budget. All of the opposition papers declared that the naval scandal was the cause. Whatever the cause, the resignation carried the implication that a ministry could no longer stand against the opposition of a strong majority in the Diet.

After various possibilities had been canvassed, Count Okuma was called on to organize a new cabinet, and on April 16 the aged Progressive leader came from his retirement and took the reins of government. A less sincere patriot would not have undertaken the almost hopeless task which awaited him. It is now evident that Count Okuma rightly interpreted Japanese sentiment and was justified in expecting national support. He took office, however, with the backing of a minority only in the Diet. His cabinet contained Baron (Taka-akira) Kato as Minister of Foreign Affairs. The Premier himself took charge of Home Affairs. Later Viscount Oura became Minister of Home Affairs. Count Okuma's program emphasized economic reform, the eradication of corrupt practices, and the establishment of responsible government. Education should be fostered, peace maintained, productive enterprises advanced, and taxes reduced. Unforeseen developments in world politics soon diverted the attention of the Cabinet from this program to such an extent that up to the present little or nothing has been done along the lines of its declared policy.

The calling to power of Count Okuma, the man of all men in Japan who had consistently and indefatiga-

bly upheld and advanced the course of self-government, was an event which observers, even those not the most optimistic, were inclined to regard as epoch-making. Beginning with the societies for the study of political thought and institutions before unknown, the movement toward responsible government had slowly but surely gained strength, through the successive stages marked by governmental intolerance to the formation of parties by clan leaders, until there finally came into control of the government a cabinet which was by its own professions responsible to the Diet and to the people.

There are, therefore, inferences to be drawn from the history of party politics previous to 1914, which establish a background for comparison with the outstanding features of the period during which Count Okuma has been in power. Certain coinciding inferences may fairly be drawn from the events of the later period, but certain others which might be expected are not at all to be drawn.

Perhaps the most striking characteristic of Japanese party history has been the absence of concrete and detailed programs. All parties have asserted their advocacy of general principles, but with these they have been content. The reason is not far to seek. Electors can scarcely be expected to focus their interest upon the planks of a platform which an irresponsible ministry may either disregard or use as a blind while working out schemes of its own in legislative action, thereafter leaving it to the framers of the platform to rage over the substitutions. A very natural corollary, since there must be some basis of choice in a representative system, has been the prominence of the personal element. The power of individual statesmen of well-known families,

of high ability, or possessed of great personal magnetism, prevails among the Japanese perhaps more strongly than among any other people unless it be the Chinese. Parties have usually had such personages as their leaders, and elections have depended rather upon the personality of candidates than upon the measures which they have advocated.

Party government in a parliamentary system entails upon party members implicit obedience. We are not surprised to find, therefore, that in Japan the bonds of party have been very loosely drawn; that nearly every election has seen the rise of new parties or political clubs, with the return by the older parties of numbers suddenly greatly diminished or increased. With the Diet also, members have paid small regard to the "whips," and ministerial programs have been the exception because no ministry has felt warranted in expecting consistent support.

The Liberals first, and much later the Progressives, were forced into a policy of opportunism. The same has been true of practically all the parties and groups. This, of course, has involved frequent disappointment over the failure to receive the compensation promised in return for the support of government measures. But half a loaf taken when it might be had has frequently later been followed by more, and it would be futile to condemn the parties for making such use of their meager powers as they have found possible. Unfortunately such practices have increased the opportunities for corruption of many sorts, opportunities of which full advantage has been taken. As in the English House of Commons before reform, where from Walpole to Pitt the King and the ministers contended with open purse against an opposition which was open to and

given to pecuniary persuasion, so in Japan, the government's clan henchmen, protected by the throne, have held out purses and patronage to keep in running order their profitable bureaucratic monopoly, while, in spite of the danger of punishment for similar actions, the party politicians have nevertheless played the game of graft with a dexterity and success that might arouse the envy of old-time Tammany leaders.

Finally the attention of Western students is drawn by the fact that there exist in Japan as yet no Socialist or Labor parties, no group established upon a line of social or economic cleavage or division. No doubt this is partly due to the electoral qualification which requires the payment of 10 yen ($5.00) in direct taxes, which, though small by American standards, is large when we consider the comparative poverty of the masses in Japan. Another influence accounting in large measure for the absence of class divisions in politics has been the all-pervading spirit of reverence for the Emperor. Impelled by this, the greatest of forces in old Japan, the people have looked upon the government and its agencies as manifestations of the will of the Heaven-descended Sovereign whose impartial benevolence toward all classes of his people was unquestionable. This influence has suffered a noticeable decline since the death of Mutsuhito, and today the Kokumin-to is rapidly establishing lines of cleavage suggesting those which are familiar and seemingly ineradicable in more democratic countries.

CHAPTER X

JAPAN: COUNT OKUMA AND THE PRESENT REGIME

COUNT OKUMA'S appointment as Premier was the most popular since the constitution was promulgated, and it was hailed in many quarters as marking definitely the end of the old era. Count Okuma once described himself as the representative of the Meiji Era. As a matter of fact he has always been in advance of contemporary Japanese thought. He was the founder of the Progressive Party in 1882 and was its leader until his retirement from active politics in 1907. At that time he refused to join the group of Elder Statesmen. He remained aloof as a free critic, but was recognized as an informal adviser upon all sorts of national questions. His position in this regard was not unlike that maintained for some time by Lord Rosebery in England.

Count Okuma is not a member of either the Satsuma or Choshiu clans. He comes, however, of the samurai class. He was fifteen years old when Commodore Perry entered Yedo Bay. He has thus seen the whole of the growth of modern Japan. Nearly seventy-eight years old, he has declared his intention to live to be one hundred and twenty. In his early youth he led in the movement toward constitutionalism. From 1873 to 1888 he was connected with the Department of Finance. In the latter year he became Minister of Foreign Affairs, and it was under him that the treaties

were revised. In 1898 he became Prime Minister and Minister of Foreign Affairs in that coalition cabinet which was the first attempt at party government. He has ever stood for increasing participation of the people in the affairs of government. Waseda University, which he founded as an independent educational establishment, bears witness to the sincerity of his early championship of popular education and freedom of thought. He has frequently been spoken of as the "Grand Old Man" of Japan.

In forming his cabinet in April, 1914, from members of two minor parties in the Lower House, Count Okuma sought to combine democratic convictions with experience and satisfactory official records. Baron Kato, leader of the Doshi-kai, had been Ambassador to Great Britain; Viscount Oura had held ministerial office under Katsura, and Mr. Wakatsuki under Saionji. Count Okuma found support in particular among the commercial classes and the liberal-conservative ranks of the younger men. His advocacy of a policy of strict economy and internal development was calculated to draw such men to his standard.

It was soon prophesied that the Okuma cabinet would be overthrown by the opposition of the Kokumin-to and parts of the Seiyu-kai. Some politicians asserted that Count Okuma should have given Mr. Inukai, the leader of the Kokumin-to, a seat in his cabinet to assure the support of the Nationalists. Count Okuma's supporters objected to Inukai as a radical, a visionary, an impractical opportunist. The Kokumin-to is in Japan what the Kwo-ming Tang is in China, and the leaders of the two parties, Inukai and Sun Yat-sen, are close friends. The recognized leader of the Progressives before the Radicals formed the Kokumin-to, Count

Okuma had differed with the latter rather in degree of radicalism than in fundamental principle.

Count Okuma made a special appeal to the educated middle class, the laboring classes, and the students. Lacking the command of a majority party he appealed to all sections and parties, and, whatever the details and the immediate promises of his platform, he sought the broadest possible support for the furtherance of a thoroughly national policy. At the same time he did not hesitate to incur hostility in some quarters by dealing summarily with leaders implicated in irregular political practices. One of his first acts on becoming premier was to retire three influential admirals, including the ex-Premier, indicating thereby a determination to hold officials strictly responsible for corruption revealed under them. After the elections of March, 1915, he offered his resignation because of corrupt practices charged against one of the members of his Cabinet.

The Cabinet had to meet a situation in which militarism versus anti-militarism, autocracy and bureaucracy against representative and party government had been and have remained outstanding issues. The Seiyukai favored the navy over the army. The Doshi-kai favored the army and opposed the navy. The Kokumin-to and Yushin-kai were against both and against the bureaucracy. The first problem then was to reconcile the conflicting elements sufficiently to command a majority in the Diet.

The second great problem was to devise measures to promote internal progress and guarantee the national security while at the same time reducing taxation. Finances have been, since the Russo-Japanese War, the hardest problem of the successive cabinets. Japan's national debt was in 1894 only $130,000,000. It now

stands at approximately $1,250,000,000. That is, it has increased by nearly ten times in twenty years. It exceeds the sum of the net debt of the United States ($1,050,000,000) and is equal to nearly one-half the sum of the gross debt. It equals twice the sum of the debt of China ($600,000,000). But the national wealth of Japan is, according to the most generous estimate ever published,[1] $18,500,000,000, as compared with $140,000,000,000 of the United States. China's debt is estimated at $600,000,000; and China's wealth at $53,000,000,000. But the United States has a population twice that of Japan; and China's population is more than six times that of Japan. According to Mr. Takahashi's estimate, the per capita wealth in Japan amounts to $363; in the United States it amounts to $1,525.[2] Thus, not only do the Japanese owe nearly twice as much per citizen on their public debt, but they have assets less than one-fourth those of the people of the United States to balance against this burden. The obligation of the Japanese taxpayer in relation to his nation's debt is, therefore, from eight to ten times as heavy as that of the American.

In China the per capita wealth is one-third that in Japan. But the population is over six times that of Japan, and the national debt is one-half. This makes the obligation of the Chinese citizen to his nation's debt one-fourth as heavy as that of the Japanese. The average Japanese pays twenty per cent. of his income in taxes, while among the wealthy it runs, on account of progressive rates of taxation, to nearly forty per cent.

[1] Estimate of Mr. Hideomi Takahashi, in the Tokyo *Economist*. See *Japan Year Book*, 1915, p. 659.

[2] Other estimates place that in Japan lower and that in the United States higher.

With the sentiment in the country strong for economy, with the people surprised and disgusted by the revelations of corruption in official circles, Count Okuma's prospects of loyal support in an endeavor to carry out his promises were bright. The Minister of Finance announced that he would continue the policy of putting aside 50,000,000 yen annually for debt redemption. Practically no new public works were to be undertaken, and the railway appropriation was to be diminished. This last feature the Seiyu-kai opposed strenuously, demanding 50,000,000 yen in place of 15,000,000 for railway work. The matter was, however, not made an issue in the short, June, 1914, session of Parliament, which closed with harmony prevailing.

The great European War began at the end of July, 1914, and with its beginning went the good intentions of the Japanese government toward economy. During the period while Japan was engaged in actual military operations against the Germans in China, the Japanese people manifested that unified support of the government that marked the Chino-Japanese and the Russo-Japanese Wars. With the capture of Tsing-tao and the suspension of hostilities, the Cabinet was again called upon to face the problem of governing under principles of responsibility to a Diet whose Lower House contained a hostile majority. Although the Kiaochow campaign had been successful, Count Okuma had to confess to the expenditure of large sums in carrying out the project. He came to the Diet with a request in addition that the army be increased to the extent of 36,000 men, raising thus the old question which had led to the fall of the Saionji government. The course which Count Okuma followed at the moment may or may not be considered consistent with his theory of parliamen-

tary government. Upon the rejection of the proposed increase by a majority of sixty-five votes, he resorted to an Imperial rescript dissolving the House of Representatives and calling for a new election on March 25, 1915. Count Okuma's confidence in the strength of his position was apparent. No suggestion was made that the Emperor ask some other statesman to form a cabinet. Both the government and the people were to await the opinion of the electorate upon the question.

The contest was conducted according to modern political party methods. The unfavorable vote on the appropriations had been a plain indication of the Seiyu-kai's determination to regain control, since no alliance with the ministry was possible. The issue was therefore clearly drawn. Between January 1 and March 25 electioneering was carried on with a feverish activity suggestive of the most approved—or disapproved—Occidental methods. Special trains carrying platform orators; phonograph records; personal telegrams; women canvassers; all betokened a careful study of Western procedure and willingness to profit thereby. In his campaign Count Okuma cleverly avoided the issue of the army increase, basing his plea for support upon the success and value of his China policy and making use in particular of a powerful personal appeal. The latter factor was decisive in the election. But in addition to the personal popularity of their leader, the government group could rely upon its success in Shantung, upon the fact that the government was engaged in negotiations with China which promised great advantages, and upon the decreased popularity of the Seiyu-kai due to criticism directed at its opportunistic policy and its connection with the naval scandals. On the other hand, the Seiyu-kai was much more united than were the

groups supporting the government. The Doshi-kai and Chusei-kai indulged in contention over their nominations, while the failure of the ministry to protest more vigorously against the California land laws was a sore point with the people, and of this the opposition orators did not fail to make the most.

Japan has no law limiting campaign expenses or requiring parties or candidates to give account of campaign contributions and disbursements. The expenses of election campaigns have been steadily increasing. Seats in the 1915 election are said to have cost from 10,000 to 100,000 yen. According to the report of the Legal Affairs Bureau of the Department of Justice, 9,224 persons were proceeded against on charges of corrupt practice; 237 were punished by imprisonment and 5,209 by suspension of eligibility to office and of the right to vote.[1] After the election, steps were taken looking toward the introduction of a Corrupt Practices Act at the next session of the Diet.[2]

The returns proved a landslide for Count Okuma. The Seiyu-kai lost over ninety seats, the majority of which went to Doshi-kai candidates. The membership in the newly elected house was reported as follows: For the government: Doshi-kai—150; Chusei-kai—36; unattached, most of whom would support the government—62. Against the government: Seiyu-kai—106; Kokumin-to—27. Total 381. A majority requires 191 votes. The assured opposition was 133. The government needed to control only a half-dozen votes from among the unattached in order to have a majority, but

[1] *Japan Year Book*, 1915, p. 666.

[2] The number of franchise holders increased from 501,000 in 1898 to 1,502,673 in 1908, and according to official returns there were 1,544,725 qualified voters in Japan in 1915.

of the sixty-two unattached members nearly all were considered favorable to the government. Thus the government was able to count on a working majority of, say, fifty in the House. Its first task was to assure itself of satisfactory party alignments. Count Okuma's victory by no means indicated the absence of a widespread and vigorous opposition to his policies. Not yet can a Japanese ministry be confident of the abiding loyalty of its majority, and it will probably not be able to do so until the Cabinet becomes responsible to the House. Although, because of the constitutional provision for budget repetition, a government cannot be forced from power by the Diet, nevertheless on a question of increasing the supplies the house may prevent the government from carrying out old or embarking upon new policies which require increased expenditures. There is thus, in fact, a substantial degree of interdependence.

The Emperor ordered a special session of the Diet, to convene on May 27 for a session of twenty-one days. The particular business to come before the session was the consideration of the army and navy estimates.

Before the special session convened, the government had already secured from China a formal agreement with regard to many of the concessions which Japan had demanded. But this agreement does not dispose of the matter of the further items which were included in the original demands, and the fate of those items—the extent to which they will be insisted upon later—will depend upon developments both abroad and in internal politics.[1] Immediately upon the assembling of the Diet the government scored a victory on the issue which had led to the elections, in that the Diet passed the budget

[1] See Chapter XVIII.

estimates increasing the army and navy appropriations by 52,000,000 yen. Thus the policy upon which Count Okuma had insisted in December, of strengthening the armed forces of the country "in order that our diplomatic dealings may be made more effective," received the legislative sanction.

At the same time the government was not allowed to go free because of the material successes which its diplomacy had achieved. On the contrary, the China policy was made the subject of a vigorous attack from many quarters and from many points of view. Some critics denounced the government as having taken an unfair advantage of China's weakness at a moment when the other nations had their attention concentrated on the war. Some declared that the government had laid the country open to criticism by its failure to communicate the exact form of the demands on China to the powers, especially to Japan's ally, Great Britain. Some asserted that the government had blundered in asking China for the concession of railway rights which had already been given Great Britain. Some complained that, inasmuch as the retrocession of Kiaochow was a foregone conclusion, the government had put itself in the wrong by withholding the agreement to make the restoration. Some considered the resort to an ultimatum a *faux pas*. Some took exception to the whole China policy.

Professor K. Hayashi, of the chair of International Politics of Keio University and a member of the Diet, resigned from his party, exclaiming: "Why were such abominable demands in the first place framed by the Cabinet? . . . It is absolutely an insult to our neighbor's sovereignty. Those desires if accepted, were, that China would consent to be a protectorate of Japan." At

a mass meeting of the Taishi Rengo Taikwai, an association interested in Chinese affairs, a resolution was passed declaring: "The diplomacy of the present ministry has done harm to the friendly Sino-Japanese relationship, has invited the suspicion of the powers, and has injured the prestige of the empire. The members of the ministry should . . . resign their positions."

On the other hand some of the most severe critics found fault with the government for its having failed to compel China to accede to *all* the demands. An English writer, in a communication to the *Far Eastern Review* under date of August 1, explains the situation as follows:

> Japan is now disgusted with its government for getting into bad odor in China and for embroiling it with foreign powers. The most determined efforts have been made to get the Okuma Government out, and particularly to force Baron Kato to resign. The Government has been saved by the proximity of the Coronation, but it seems the universal opinion that they will have to go eventually because of their mishandling of the opportunity in China. In other words, Japan does not know what it wants. It is cross with the Government, not because of the demands, which are not really understood, but for getting the country into trouble.[1]

As far as formal criticism was concerned, the political opposition came, of course, from the ranks of the Seiyu-kai and the Kokumin-to. Baron Kato, as Minister of Foreign Affairs, was repeatedly called on to explain in the Diet this, that, and the other feature of what the government had done or failed to do in the China negotiations. At one sitting an ultra-radical member called him a traitor, the implication being that

[1] *Far Eastern Review*, August, 1915, p. 87.

he had betrayed his country's reputation and best interests.

On June 3 a vote of censure against the government was moved in the Diet by Seiyu-kai and Kokumin-to leaders, on the score that the negotiations with China had been conducted in a mistaken manner from beginning to end, that the cordial relations between the two countries had been damaged, suspicion on the part of foreign powers been engendered, the dignity of the Empire been harmed, and thus not only had the peace of the Far East not been established but seeds of future trouble had been sown. After Baron Kato, Count Okuma himself took the floor in defense of the government's policies. The motion was rejected by a vote of 232 to 133, as the government still retained its majority, but the fact that it had been moved and had received more than one-third of the votes is significant.

There seems little doubt but that Baron Kato had kept the other members of the Cabinet much in the dark as to the real nature and implication of the demands, while conflicting statements which Count Okuma made during the progress of the negotiations indicate that the Premier himself was exceedingly ill informed as to what was transpiring at Peking. But, of course, the whole Cabinet had to accept the responsibility.

Immediately after the attack on the Cabinet, an attempt was made to impeach Viscount Oura, the Minister of Home Affairs, on the ground of interference and illegal practices in the March elections. This motion was also defeated—but the fact that it had been introduced assumed a new meaning a few weeks later when definite charges were brought against the Home Minister.

In the final session on June 9, an attempt was made

to pass a vote of "no confidence" in the Speaker of the House, and, though this motion was defeated, the session was one of extreme confusion.

By this time the Chinese boycott of Japanese trade had assumed alarming proportions, and this added to the fire of criticism directed against the government. Early in July it was reported that the Elder Statesmen, Marquis Inouye and Marquis Matsukata, voicing the financial and business interests of the country, held the government's diplomacy responsible for the boycott and for the misunderstanding as to Japan's intentions current abroad.

The greatest shock to the foundations of the Cabinet came, however, with the appearance of evidence in support of the charge that Viscount Oura had been guilty of corruption in connection with the elections in March. As knowledge of the scandal developed, it appeared that Oura had given funds to Mr. Hayashida, Chief Secretary of the House of Representatives, to distribute in order to secure support to insure the passing of the army bill. Viscount Oura had secured the money in question from the funds of the Doshi-kai, of which party he was one of the leaders.

Mr. Hayashida resigned, was arrested, and was sent to prison.[1] On July 29 Viscount Oura resigned from the Cabinet. After a report from Count Okuma, the Emperor sanctioned Oura's resignation and appointed Count Okuma Minister of Home Affairs *ad interim*. Then Count Okuma offered the resignation of the whole

[1] The preliminary court, on September 23, found Mr. Hayashida and four members and thirteen former members of the House guilty of bribery in an attempt to induce opposition members to support the army bill. Viscount Oura had given Mr. Hayashida 40,000 yen for this purpose.

Cabinet on the ground that it could not continue in office while the charge of corruption stood against one of its members. Simultaneously, the Genro was summoned by the Emperor to consider the situation.

It was alleged in many quarters that the Oura scandal had been seized upon by the government as an excuse for its resignation, the real reasons being the difficulties which it had had to face both at home and abroad, especially the criticism of its foreign policy and the problems of finance, together with the evident restlessness of the people under the increasingly autocratic attitude of the ministry.

The Genro made a canvass of possible nominees for the premiership, the names of Marquis Matsukata, Count Terauchi, Viscount Hirata and Mr. Takashi Hara, leader of the Seiyu-kai, being considered. Marquis Matsukata was in favor of appointing a new cabinet. Prince Yamagata urged that Count Okuma remain in office. Baron Kato let it be known that he positively would not continue in the Foreign Office, and it was agreed that he should be let out. It was found impossible, however, to agree upon a successor to Count Okuma or to advise that his resignation be accepted. The Emperor, therefore, commanded Count Okuma to withdraw his resignation and form a new cabinet. Various names were suggested for the Foreign Office: Baron Motono, Ambassador to Russia; Viscount Chinda, Minister to the United States; Mr. K. Inouye, Ambassador to England; and Baron Ishii, Ambassador to France.

On August 8 the following cabinet appointments were announced: Premier—Count Okuma; (temporary) Minister of Foreign Affairs—Count Okuma; Minister of Finance—Mr. Tokitoshi Taketomi (Doshi-

kai); Minister of Navy—Vice-Admiral Tomosaburo Kato; Minister of War—Lieutenant General Ichinosuke Oka; Minister of Justice—Mr. Yukio Ozaki; Minister of Communications—Mr. Katsundo Minoura (Doshi-kai), or Viscount Masakata Sengoku; Minister of Commerce and Agriculture—Mr. Hironaka Kono (Doshi-kai); Minister of Education—Dr. Sanae Takata (President of Waseda University); Minister of the Interior—Dr. Kitokuro Ichiki.[1] Baron Kato was made a Member of the House of Peers. And on August 12 Baron Ishii was appointed Minister of Foreign Affairs.

The Association of Okuma Supporters had sent circulars throughout the country, urging that support be accorded to Premier Okuma on the ground that his ideal was to make Japan a nation of the foremost rank, capable of competing with the most powerful countries. Count Okuma, the circulars said, had resigned because the allegations of election bribery created a situation repugnant to one of his lofty principles, but nevertheless he was unwilling to be a cause of concern to the Emperor, who had asked him to remain in office.

Count Okuma announced that his decision to remain

[1] The appointments for the War, Justice, and Commerce portfolios are the same as in the Cabinet which resigned on July 30. Vice-Admiral Kato, named for Minister of Navy, was Admiral Togo's Chief of Staff in the battle of the Sea of Japan, and last year was appointed Commander-in-chief of the First Japanese Squadron. Mr. Taketomi, selected for Minister of Finance, was Minister of Communications in the retired Cabinet. Mr. Minoura has held several public offices and is chairman of the Shunju Press Society. Dr. Takata, designated Minister of Education, is President of Waseda University and a member of the Higher Educational Council. Dr. Ichiki, named as Minister of the Interior, was formerly Minister of Education.

in office was due to representations of the Emperor that the situation was such both at home and abroad as to make it highly inadvisable to change the premiership.

It became apparent at once that the Seiyu-kai and the Kokumin-to would continue their opposition. Mr. Hara, the president of the Seiyu-kai, said in a speech at Kyoto: "Though this country takes its rank among the great powers by dint of its military strength, it is miserably backward in economic conditions." He continued to the effect that the Okuma Cabinet had done nothing for the nation. At a great joint meeting of opposition forces, Mr. Kojima, of the Kokumin-to, said:

> The recent acts of Count Okuma have warned all party men in Japan that the time has come for their awakening. His acts of late are entirely in contradiction to what he used to profess while he was out of power. He has accomplished none of his promises made to the people at the beginning of his administration. Count Okuma and the late Prince Ito were the two most zealous in the introduction of a constitutional form of politics in this country. Yet ever since he ascended to power last year, Count Okuma has always acted against the principles of constitutionalism. His doings have affected to no small extent the credit of the constitutional form of politics in Japan. . . . The Genro were a useful factor in Japanese politics, but they are now out of date since the conditions of the country have undergone great changes in the past decade.

There can be no questioning the fact that Count Okuma has in his recent utterances distinctly repudiated the principle with which throughout his political career his name has been associated and toward which his efforts have been directed, the principle of responsible party government. Prince Ito and Prince Katsura,

each, in his late years, forsook his earlier political principles—but to quite the contrary conclusion to that at which Count Okuma has apparently arrived. Count Okuma now lays emphasis on his obligation to the Emperor alone. He is quoted as having said recently: "The present Cabinet is the choice of the Emperor and any person among his subjects venturing to criticize his ministry is acting against the wish of the Emperor." He reminds the people that the constitution was the free gift of the Emperor (and the constitution makes the Cabinet responsible to the Emperor only). Thus Count Okuma invokes the doctrine of unrestrained Imperial authority as constituting the foundation of the administration—which amounts to a complete negation of the principles for which he has long contended.

As between theory and the practical facts of a political situation, Count Okuma has, like his predecessors, subordinated the former to the demands of the latter. The *Nichi Nichi* represents him as having said, on the occasion of a recent visit to Kyoto, that he must frankly admit that his efforts in the direction of party government had ended in failure. Though still in favor of party government, he finds no existing political parties possessed of the qualifications necessary to make it a success. Political parties must meet the needs of the times and be replenished by men of new ideas. The leading members of all the existing parties are men of old ideas, while the middle classes are hostile to all parties. How, he asks, can the advance of constitutional government [party government?] be expected from such a state of things?

It would be interesting to know what Mr. Ozaki, the Minister of Justice, thinks of this view. He was one of the leaders in the attack on the last Katsura minis-

try because that ministry sought shelter behind the Throne, and the attacks at that time led to the Tokyo riots and the stoning of the ministers. Count Okuma is now doing exactly what Prince Katsura then attempted to do. The opposition will not fail to make the most of this paradoxical situation.

In justification of his *volte-face,* Count Okuma in his public utterances emphasizes the necessity of unity within the nation. The present is, he urges, the moment of great opportunity for Japan, affording rare chances to promote the interests of the nation in every direction. Europe is at war; the shipping, the commerce, and the productive energy of the European nations are demoralized. Now is the time for Japan to bend her energies to the securing of new markets. The diplomatic efforts of the government should not be hampered by party strife. Programs for development at home should not be subordinated to or exploited for political purposes.

The newspapers which support the government have taken up this cry. They declare that Japan is entering on a new period of national progress which makes necessary the uniting of efforts and the laying aside of party rivalries.

These pleas appear already to be having an appreciable effect upon public opinion. The returns from the recent election of members of the Prefectural Assemblies, in which many neutral or independent candidates have been chosen, indicate that the voting public is becoming convinced of the futility of mere party politics and is anxious to strengthen the government for the purposes of a national policy.

Commenting on this fact, the *Japan Daily Mail* says: "In view of the evidence of an apparent detestation of

the existing political parties, it may be said that the time is coming for the appearance of a new political party with sound political views and principles, if the chance be seized by a really able politician." [1] A split in the Doshi-kai is indicated by the formation of a society called the Sakurada Club—which is also attracting some of the Chusei-kai members. This suggests the possibility that a new party may be in process of formation.

The new Okuma Cabinet faces a most complicated situation and has ahead of it problems of the greatest magnitude. The Diet is to convene on November 29. The Seiyu-kai and the Kokumin-to will enter the session organized for opposition, probably demanding the fall of the ministry and insisting on the eradication of what they affirm are the evil consequences of the intervention of the Genro. Among the inherited disabilities of the administration will be dissatisfaction with the China policy and criticism of the appointment of a successor to the Nogi family.[2] Among the practical issues will be the problems of reduction in the taxes, of meeting the demands for the expansion of the navy, and of formulating an acceptable foreign policy.

Japan's finances are, as has been indicated elsewhere, a problem of both chronic and acute difficulty. At present economic conditions are upset. The money market is unprecedentedly dull. Imports have declined rela-

[1] Weekly Edition, *Japan Daily Mail,* October 2, 1915.

[2] The government has recently decided to revive the family of General Nogi, who, being without heirs, committed suicide in 1912 in order to follow his lord, the Emperor Mutsuhito, into the spirit world. This undertaking, implying disregard of the obvious intention of General Nogi to bring the line of his family to an end, has occasioned a surprising amount of criticism among the Japanese people.

tively to exports. The treasury surplus was practically wiped out by the expenses of the Shantung campaign. The tax receipts have in recent years shown a gradual decline. The revenue for the fiscal year is reported as suffering a substantial decrease. At the same time, Japan is gaining commercially, along with some other states, by the war. Her monopoly of shipping on the Pacific is proving profitable. She is manufacturing and selling munitions on a large scale. The shifting of her trade balance is, apparently, increasing her specie reserve abroad. These facts are, of course, sources of encouragement to the government and serve to alleviate popular dissatisfaction over the state of the nation's finances.

The budget statement submitted by the Cabinet for the fiscal year 1915-1916 estimates receipts at 557,000,000 yen and expenditures at 491,500,000 yen, leaving a surplus of 65,000,000 yen. But the opposition has affirmed that the government's statement amounts to a mere patchwork, giving no indication of a constructive financial policy. The government reported the war expenses of the year 1914-1915 at 79,000,000 yen, to which must be added 20,000,000 yen for extraordinary military purposes.

The new naval program is represented as calling for four battleships, nine light cruisers, twenty-four destroyers, and several submarines, over and above all construction under way. The total cost for new construction is estimated at 170,000,000 yen.

The opposition complains that the Okuma ministry has not as yet carried out any of the promises which it made in April, 1914. How effectively the opposition forces may make themselves felt cannot be predicted. Their strength is less than that of the government in

the Lower House. There will probably be no concerted action against the government in the Upper House. The government and the opposition each claim to represent the real will of the nation. The government has the great advantage that it represents the known will of the Emperor. Count Okuma enjoys the personal favor and the unlimited confidence of the Emperor and has the good will and esteem of the people at large to a degree possessed by probably no other Japanese statesman in modern times. The tenure of office of the ministry seems assured for several months at least, but what it may be able to accomplish remains to be seen.

It is still too early to estimate with assurance the full significance of the present situation. On the one hand Count Okuma has scored conspicuous victories both in his foreign policy and in the domestic contest, of which the former was the occasion for and in many respects the cause of success in the latter. On the other hand his achievements have been at the expense, first, of his political platform of a year ago, calling for retrenchment and internal constructive reform—both more essential, in the long run, to Japan's salvation than are mere political victories; and, second, at the sacrifice, not the less to be regretted because necessary, of a lifelong ideal. Count Okuma has made no more progress toward the solution of Japan's financial problems than had his predecessors who went down one after another largely because of their inability to offer the nation either the reality or the semblance of an adjustment between the demands of a policy of national aggrandizement on the one hand and those of relief for the taxpayers on the other. Count Okuma's government last year forsook the paths of peace and anti-imperialism and led the nation in a new step on the highway of force-

ful imperial expansion. Did Count Okuma persuade his ministers to this reversal of form, or was he persuaded? Has he bent the nation to approval of his China policy and the militarism and expense which it involves—or is he but the agent of his people, himself bending to an insistent demand for a forward and onward policy?

Count Okuma began his administration along lines apparently consistent with the principles which he had all his life advocated, the principles of popular and responsible government, but he now declares that, having tried these methods, he finds them, for the purposes of contemporary Japan, wanting. Is he leading his people to a Promised Land, or are they but traveling with him on the edge of a circle which will keep them in or even lead them deeper into the wilderness of financial burden from which other leaders have failed to extricate them? If he fails here, as others have failed, will not his people begin to plead their *own* cause more forcefully than any authorized leader, however sincere, has been inclined to plead it for them?

In Japan the Emperor's ministers still determine the policies and the people continue to pay for what the government chooses to undertake. The influence of the Diet with the government has increased but it is not yet paramount. The influence of the people with the Diet has increased but the Diet is not really representative. The influence of the Genro still remains a forceful factor. The peers have not yet been subordinated to the commons. The franchise is still narrowly limited. Labor unions are under a legal ban. Movements looking toward the establishing of parties along socialistic lines have been vigorously frowned upon. The law of the press is still very harsh. Officialdom has the

benefit of administrative law. The ministry is by the constitution responsible to the Emperor alone.

The renewal by the Emperor of Count Okuma's mandate does not terminate the struggle between the principles of autocracy and liberalism; it does not reconcile the rival contentions of the expansionists and the domestic consolidationists; it does not solve the problem of finance; it puts no money in the coffers of the government or the pockets of the people—and among Japan's political problems that of finance is the most imperatively pressing of all.

BOOK II

CONTEMPORARY RELATIONS: CHINA, JAPAN, AND THE UNITED STATES

THE RECENT PAST

CHAPTER XI

JAPAN: STEPS ON THE ROAD TO EMPIRE.

THE PASSING OF KOREA.

JAPAN may be said to have embarked on the course of empire building at about the time when the German Empire and the Kingdom of Italy were first beginning to adjust themselves to their newly-won positions among the states of Europe. Between 1870 and 1875 the consciousness on the part of the Japanese of new national strength and the first flickerings of imperialistic ambition manifested themselves in various and successful activities. Having before them the examples of the treaties which had been forced upon them by the Western nations, Japan and China made their first treaty in 1871.[1] This treaty, concluded at Peking, contained a provision stipulating that if either party was aggrieved by a third power the other would render assistance or exercise good offices—which caused the Occidental press to speak of an "alliance" of the Asiatic nations—but such a stipulation had little significance. Permanent embassies, reciprocally, and extraterritorial jurisdiction were provided for, but there was no most-favored-nation clause.

In 1871 certain inhabitants of the Loochoo Islands who had been shipwrecked on the southern coast of Formosa were murdered by Formosan savages. The Loochooans had long been paying tribute to both China

[1] Ratified in 1873.

and Japan. Formosa was a dependency of China. The Japanese in 1872 took up the case, and, contending that the murdered men were Japanese subjects, demanded redress of the Chinese government. The Chinese first maintained that the Loochooans were Chinese subjects; later, that the southern Formosans were outside Chinese control and jurisdiction; to the end, in both cases, that China had no responsibility in the matter. While this was in dispute the Japanese government in 1872 invited the King of the Loochoo Islands to come to Tokyo, conferred upon him Japanese titles and gifts, including cash, secured his surrender to Japan of the treaties which his government had made with the United States, France, and Holland, and thus established the *de facto* dependence of his kingdom upon Japan. In 1874 the Japanese sent a military expedition to Formosa to exact, where the Chinese government was declining to act, the penalties which it had demanded; and this expedition occupied the whole of southern Formosa. The Chinese government naturally protested against this invasion, which had gone beyond the necessities of punishment—whereupon the Japanese demanded a large indemnity for the expenses which the expedition had incurred, together with pledges for the future. The controversy very nearly led to war between Japan and China, the former having gone so far as to send an ultimatum and prepare for the withdrawal of its representatives; but at that point the British Minister to China offered mediation, with the result that a treaty was signed at Peking in 1874 by which China agreed to pay an indemnity, Japan to withdraw from Formosa, and each government undertook to protect subjects of the other on its soil. By this the Chinese government tacitly recognized that the Loochooans were Japanese

subjects. In the course of the next two years the Japanese took control of the administration of the islands; and in 1879 they refused General Grant's offer of mediation as to the status of the islands and proclaimed the completion of their incorporation in the Japanese administration.

In 1875 a dispute of some years' standing between Russia and Japan as to the possession of the Island of Saghalin was, for the time being, terminated. Japan claimed that in olden times the island had belonged to her, but that during the period of exclusion the Russians had encroached upon it. In view of the conflicting claims, a division had been proposed. Japan had at one time offered to accept the 50th parallel as a boundary, but the Russians insisted upon a line between the 48th and 47th parallels. In 1872 the Japanese offered to buy the Russians out, but they later decided that it was inadvisable to pay for a "worthless island." In 1875 the island was given up to Russia in return for the recognition of Japan's complete sovereignty over the whole of the Kurile group. Its status was destined to be revised in 1905 as a result of the Russo-Japanese War, when, by the terms of the Portsmouth Treaty, Japan secured the southern half.

In 1861 the British government had renounced in favor of Japan certain inchoate claims which had been established in its favor to possession of the Bonin Islands, and in 1876 the Japanese government incorporated these islands as part of the Japanese dominions.

With these minor successes to encourage them, the Japanese next proceeded to the more important task, to which they had already begun to devote attention, of altering the political attitude and position of the Koreans.

Korea, from very early times, had had more or less important and generally undefined relations with China and Japan. It was by way of Korea that Chinese civilization was carried to Japan. Through Korea the Mongols made their way when they attempted to invade Japan in 1281. Toward the end of the sixteenth century the Japanese twice invaded and twice withdrew from Korea. From then until 1834 it was the practice of the Korean Court to send envoys to Japan upon the installation of each new Shogun, but Korea in no sense acknowledged political connection with Japan, while she did look to China as her suzerain. After 1834 the practice of sending envoys to Japan was discontinued. Between 1868 and 1873 the Japanese several times asked for a renewal of friendly relations, but this the Koreans refused. In 1873 certain Japanese statesmen memorialized their Emperor to the effect that Russia, with her policy of pressing southward, was the greatest of the perils against which Japan must guard, and it became henceforth a cardinal feature of Japanese policy to prevent Russia from absorbing Korea. Japanese radicals, before long, were even proposing the immediate conquest of the peninsula.

Troubles of the Jesuits first drew to Korea the political attentions of a Western power. Although China stood as suzerain, Prince Kung refused, when the French Minister at Peking made representations to him, to acknowledge responsibility on China's part for misdeeds of the Koreans. Therein China made the initial mistake in that progressively unsatisfactory policy which ultimately lost to her her suzerainty over Korea and to the latter her national existence. The French Minister in 1866 proclaimed Korea annexed to France, while a French fleet bombarded certain Korean for-

tresses—but the French government did not confirm the annexation!

Five years later the complete disappearance of an American schooner in Korean waters occasioned the sending of an American fleet, accompanied by the American Minister to China, to the mouth of the Han River. The American government had thoughts of securing a treaty; but beyond the destruction of the forts which fired on the ships the expedition accomplished nothing.

These and other impressions from without intensified the prejudice of the Koreans against foreigners—including the Japanese. The Korean Court even went out of its way, in a letter replying to peaceful overtures made by the Emperor of Japan, to express a most insulting contempt for the people and dominions of the latter.

The Japanese finally accomplished what the American government had contemplated—the making of a treaty with the King of Korea. In September, 1875, a Japanese gunboat, while surveying the mouth of the Han River, was fired on by a Korean fort. The Japanese made a landing in force and practically annihilated the garrison. The statesmen who were "making" Japan already had among their policies an intention to "open" Korea. They proceeded forthwith to send, in January, 1876, an expedition which, following somewhat the tactics used by Commodore Perry in negotiating with Japan twenty years before, succeeded in persuading the Korean Court to enter into a treaty of "peace and amity." This treaty, signed on February 26, 1876, put an end to Korea's isolation and was destined to mark the beginning of her subjugation to Japan.

In the treaty it was declared that Korea was an independent state enjoying the same sovereign rights as Japan. As Professor Longford has said:

> The same extraterritorial clauses that Perry had forced on the Japanese when they were ignorant of all international usages, of which they afterwards so bitterly complained, were introduced by them into their treaty with Korea, and . . . this was only the first of many incidents in Japan's intercourse with Korea that found exact counterpart in the story of her own early relations with European Powers.[1]

In 1880 Japan sent a minister to take up residence at Seoul, and Japanese traders went to the three open ports for which the treaty had provided. Two years later representatives of the United States and Great Britain appeared. The Chinese were already growing apprehensive with regard to Japan's intentions, and Li Hung-chang realized that it was imperative that something be done. He apparently concluded that it might be possible to neutralize the effect of the Japanese activities by opening Korea to the whole world. On behalf of China he recommended to the Korean King that he make treaties with Western powers, and he suggested to the representatives of the powers that they make advances to the King. The result was a series of treaties in 1882-1884. These purported to be made with an independent state. At the same time the King wrote letters to the powers declaring that China was his suzerain. But neither then nor later was China willing to assume responsibility for what this vassal might do.

There were two factions at the Korean Court, one progressive and the other conservative. The Progressives looked to Japan for example and aid; the Conserva-

[1] Longford: "The Story of Korea," p. 303.

tives relied upon China. Japanese influence led to the employing of numerous Japanese advisers and instructors by the Korean Court and the sending of young Koreans to Japan for education. The Regent was thoroughly conservative. In 1882 he instigated an attack upon the Japanese legation. The Japanese had to flee for their lives, and their legation was burned. Many Korean officials of the pro-Japanese faction were murdered. The Japanese government demanded an apology and an indemnity, which the Korean Court gave. In the Convention of Chemulpo, concluded between Korea and Japan on July 27, 1882, it was provided that the Japanese might keep Japanese soldiers in their legation as a guard at the expense of the Korean government.[1] In the next year the Japanese government restored a part of the indemnity which had been exacted. In 1884 there occurred a collision between the Conservatives and the Progressives of Korean officialdom. The Progressives called upon Japanese troops for assistance. Chinese troops under the Chinese Resident, Yuan Shih-kai, came to the aid of the former. The Korean King took refuge with the Chinese. The Japanese legation was again attacked and burned, and again the Japanese staff had to flee for their lives. The Japanese people clamored for war—with both Korea and China. Plenipotentiaries were appointed, Count Ito for the Japanese, Li Hung-chang for the Chinese, and a convention was made at Tientsin on April 19, 1885. In this, both China and Japan agreed to withdraw their troops from Korea. "In case of any disturbance of grave nature occurring in Korea which might necessitate the respective countries or either sending troops, it

[1] Great Britain and France had furnished a precedent for this in their early relations with Japan.

is hereby understood that each shall give to the other previous notice in writing of its intention to do so and that after the matter is settled they shall withdraw their troops." The King of Korea was to be asked to equip an armed force which could insure the public safety—employing military experts from a foreign country other than China and Japan.

The Chino-Japanese Treaty of 1885 paved the way for the war which came ten years later. Japan, by her armed interference with the Korean Court in 1884, had destroyed for the time being the last vestiges of confidence on the part of most of the Koreans and had literally driven the Korean government to dependence upon the support of China. Yuan Shih-kai,[1] as Chinese Resident, became the power behind the Korean throne. Although conservatism prevailed, trade, especially in imports, increased; European technical and political and administrative advisers were engaged; a customs service modeled on that established in China by Sir Robert Hart, and with officers from the Chinese service, was founded; settlements were established in the open ports. Of these activities Professor Longford has said:

> Here again Japan was unfortunate. The Japanese who came to these ports were the reverse of a credit to their country; unscrupulous adventurers, bullies, and the scum of all the ruffiandom of Japan predominated among them, and their conduct and demeanor toward the gentle, submissive, and ignorant natives, who were unresisting victims to their cupidity and cruelty, were a poor recommendation of the new civilization of which they boasted. On the other hand, Chinese traders—law-observing, peaceable, and scrupulously honest in all their trans-

[1] Now President of China.

actions—were living witnesses of the morality engendered by a faithful observance of the old.[1]

The years between 1885 and 1894 were marked by strife and bloodshed among the Korean factions on the one hand, and intrigue between these factions and the Chinese, Japanese, and Russians on the other. Before 1895 China and Japan contended for preponderance of influence; after 1895 Russia took China's place in the contest. Japan was in both instances concerned, first, over the question of her own security; second, for opportunity for expansion and self-aggrandizement. In the spring of 1894 an insurrection among the Koreans broke out. The government troops were repeatedly defeated, and before long the Min followers, the strongest faction at the court, appealed to China for assistance. China responded by sending a large military force to Korea, informing Japan, in accordance with the terms of the treaty of 1885, that she was doing so. The Japanese met this move by sending an equally large force. China, describing Korea as her "tributary state," endeavored to dictate limits to the number of troops which Japan might send and to the employment which these should take upon themselves. The Japanese proposed that the two countries should cooperate in suppressing the rebellion and reforming the Korean government. The Chinese refused this offer, calling the attention of the Japanese to the fact that the latter had already recognized Korea as an independent country. In the interval the rebellion had died of inanition, but the Japanese, having decided to go ahead and force reforms upon their own account, augmented the number of their troops; and the Chinese retained

[1] Longford: "The Story of Korea," p. 328.

the troops which they had sent, justifying themselves by pointing to the presence and increase of the Japanese troops. Finally the Chinese determined to send more troops, a move which could only be construed as an evidence of their decision to oppose the Japanese program. A small Chinese squadron convoying a British vessel which, acting as a transport, had twelve hundred Chinese soldiers aboard, was met, as it approached Korea, by a Japanese squadron, and hostilities ensued. Six days later war was declared between Japan and China, and in the subsequent engagements on sea and land China was ignominiously beaten. The Japanese had actually invaded north China, had taken Wei-hai Wei, and were ready to advance upon Peking when peace was concluded upon China's solicitation, at Shimonoseki, on April 17, 1895.

By the Treaty of Shimonoseki, China recognized the "full and complete independence of Korea"; Japan acquired the island of Formosa and the Pescadores at China's expense; the southern extremity of Manchuria, from a line drawn from near the mouth of the Liao River to the mouth of the Yalu River, was ceded to Japan; and China was required to pay an indemnity of 200,000,000 taels. Russia, Germany, and France[1] promptly compelled Japan to retrocede South Manchuria, but the remainder of her spoils she kept, together with an increase of the indemnity.

By this war Japan had made a great stride forward. She had demonstrated her military and naval prowess, showing herself a "power." She had acquired a big and potentially valuable colony. Incidentally, the fear which her people had had of Russia was now crystallized into hatred—which made easy the military preparation

[1] See *infra,* Chapter XII.

of the next ten years with a view to revenge for the Russian interference. But most important of all, China had been eliminated from Korea, and this left Japan, strengthened by the prestige which she had acquired as a conqueror, free to force upon Korea a program which would either establish her as a substantial barrier for Japan against Russia or would prepare the way, as it did in the event, for Japan, with apparent justification, to assume control of the Korean government. Japan at once sent one of her greatest statesmen, Count Inouye, to inaugurate reforms. She sent, also, unwittingly, some of the very worst elements of her population, a horde of adventurous immigrants who proceeded at once to exploit the Koreans and render the name of Japan infamous among them. Let Count Inouye's own words bear witness as to one of the chief reasons why Korea did not welcome the professedly benevolent efforts of Japan, why she seemed insensible to the benefits to be derived from the program of reform which Japan offered her during the next ten years.

All the Japanese are overbearing and rude in their dealings with the Koreans. The readiness of the Chinese to bow their heads may be a natural instinct, but this trait in their character is their strength as merchants. The Japanese are not only overbearing but violent in their attitude towards the Koreans. When there is the slightest misunderstanding, they do not hesitate to employ their fists. Indeed, it is not uncommon for them to pitch Koreans into the river, or to cut them down with swords. If merchants commit these acts of violence, the conduct of those who are not merchants may well be imagined. They say: "We have made you an independent nation, we have saved you from the Tonghaks, whoever dares to reject our advice or oppose our actions is an ungrateful traitor." Even military coolies use language like that towards the Koreans.

Under such circumstances, it would be a wonder if the Koreans developed much friendship with the Japanese. It is natural that they should entertain more amicable feelings toward other nations than toward the Japanese. For this state of things the Japanese themselves are responsible. Now that the Chinese are returning to Korea, unless the Japanese correct themselves and behave with more moderation, they will entirely forfeit the respect and love of the Koreans.

Another circumstance that I regret very much for the sake of the Japanese residents is, that some of them have been unscrupulous enough to cheat the Korean Government and people by supplying them with spurious articles. The Koreans, taught by such experience, naturally hesitate to buy from the Japanese. An examination of recent purchases made by the Korean Government from Japanese merchants would cause conscientious men to cry out. I do not say that the Japanese alone have been untrustworthy. But I hope that, in future, they will endeavor to get credit for honesty instead of aiming at immediate and speculative gains.[1]

The Japanese had the misfortune also to be officially and inextricably implicated in an attack on the Palace on the morning of October 8, 1895, in the course of which the Korean queen was brutally murdered. Japan's opportunity was, for the moment, by the acts of her own subjects, worse than lost. The Korean King fled for safety to the Russian legation, and from there for two years, under Russian influence, directed the affairs of his realm. In 1897, removing to a newly built palace, he announced for himself the assumption of the title of Emperor—this step being taken in order to emphasize in the eyes of China and Japan the complete independence which in theory his country was entitled to enjoy.

[1] Count Inouye, in the *Nichi Nichi Shimbun*, quoted by Professor Longford, in "The Story of Korea," pp. 337-338.

At this point the attention of all countries having interests in the Far East was drawn to the rumors of Russian diplomatic activity at Peking. It soon became known that Russia had gained railway and mining privileges of importance in Manchuria, and it was suspected that she had effected an alliance with China. Then followed in rapid succession the events of the scramble for concessions.[1] Maddened by the Russian acquisition of Port Arthur, the Japanese saw clearly that a conflict between themselves and the Russians was inevitable, the only remaining question being: when would the armed encounter occur?

In 1900 Japan increased her military prestige, gained valuable experience, and won the moral approval of most of the powers with whom she coöperated, by the part which her troops played in the expedition of the Allies for the relief of the Peking legations. During the ensuing negotiations, and from then until 1905, the Japanese government stood firmly with the English and the United States governments in resistance to the efforts of certain other powers to secure special and individual privileges at the expense of the open door policy and the integrity of China.[2]

It soon became evident that Russia was aiming at the absorption of Manchuria. She had acquired special privileges, especially in railway building and finance, in 1896. She had poured soldiers into Manchuria under the name of railway guards. She had secured the lease of Port Arthur and Dalny after having expressly prevented Japan from holding them. During the Boxer period she had actually seized territory along the Amur. She had tried to lease the port of Masampo

[1] See *infra,* Chapter XII.

[2] See *infra,* Chapter XIII.

from Korea, but Japan had protested so vigorously to the Korean government that this was given up. She had constructed enormously strong fortifications at Port Arthur, and she was keeping a strong fleet at Vladivostok.

During the negotiations between China and the powers in 1900 and 1901, Russia tried to complicate the situation. In Manchuria Admiral Alexieff made an agreement with the Tartar General at Mukden on November 11, 1900, by which the whole of the province was to be put under Russian command, and a Russian Resident with general powers of control was to be stationed at Mukden. The United States, Great Britain, and Japan protested, and with this backing China refused to sign the agreement. But the Russians continued the negotiations, and in January, 1901, secured an agreement which gave them a privileged position.

By this time England was looking for some way to retrieve her diminished influence in the Far East. Japan was looking for an ally and a financial backer in her coming struggle. As a result there came a surprise to the diplomatic world—the announcement that England and Japan had signed a treaty of alliance on January 30, 1902. This treaty stated that both countries desired to maintain the *status quo* and peace in the Far East, the territorial integrity of China and Korea, and the open door. The two countries declared that they had no aggressive intentions against China or Korea, but that each might take the measures necessary to safeguard its interest if threatened by the aggressive action of any power or by disturbances in China or Korea. If either should become involved in war with a third power the other would remain neutral, but if a fourth power joined in hostilities the second would come to the

assistance of its ally. This treaty was to remain in force for five years.

The Anglo-Japanese alliance has had momentous results. It was the first such alliance in history between a European and an Oriental state. It stamped the seal of British approval on Japan's aspirations and efforts toward recognition as a great modern power. It made possible Japan's adventure into the great war and her entrance into Manchuria, with her subsequent successful forward policies.

In April, 1902, Russia formally promised China that Manchuria would be evacuated within eighteen months. This was supposed to mean that she would withdraw her troops; but when the time came she simply concentrated the soldiers along the railway. Russians had furthermore obtained from Korea the right to cut timber on the banks of the Yalu near Yangampo, and had taken advantage of this to create fortified posts. The Japanese therefore decided that the time had come to interfere, and they began by asking the Russian government to discuss the Manchurian and the Korean situations.

Ignorant of the completeness of Japan's military equipment, entirely underestimating the ability and determination of the Japanese statesmen and soldiers, contemptuous of the Orient, somewhat intoxicated with the apparent success of their Far Eastern policy, and never dreaming that the Japanese would force the issue to the point of war, the Russian officials refused to discuss the question of Manchuria and proposed that Korea should by agreement be considered a quasi-neutral territory.

Four times the Japanese addressed the Russian government, and then, having received only unsatis-

factory replies, they struck. In the course of the war which followed, Japan defeated Russia on the sea and drove her troops out of South Manchuria; but, though she had beaten Russian armies, she had not destroyed them, and she had not invaded Russian soil. Using Korea as a highway she had thrust her armies into Manchuria and had driven the Russians back to a point somewhat north of Mukden.

The war was brought to an end by the conclusion of the Portsmouth Treaty, September 5, 1905. By this, Russia transferred to Japan all her special rights and possessions—including the lease of the Liaotung Peninsula, the railway line, and coal mines—in South Manchuria. In the treaty Russia declared that she had not in Manchuria "any territorial advantages or preferential or exclusive concessions to the impairment of Chinese sovereignty or inconsistent with the principle of equal opportunity."

In the interval, just before the close of the war, Great Britain and Japan had renewed [1] their agreement of alliance, with alterations, in view of the new situation, considerably to the advantage of Japan.

With Russia thrown back and temporarily crippled, with South Manchuria partly under her control and interposed as a buffer between the grasping claws of the Great Northern Bear and the coveted Korean prize, and with Great Britain's acquiescence assured, Japan was after 1905 free to make the most of the helplessness and demoralization of both China and her nearer neighbor. Korea naturally came in for her first and most solicitous attention.

At the beginning of the war with China in 1894 Japan had made a treaty of alliance with Korea, in which

[1] August 12, 1905.

Article I declared: "The object of the alliance is to maintain the independence of Korea on a firm footing." In the treaty of Shimonoseki at the end of the war [1] China recognized "definitely the full and complete independence and autonomy of Korea."

In 1898 Japan and Russia had made an agreement wherein the two governments recognized "definitely the sovereignty and entire independence of Korea" and pledged themselves "mutually to abstain from all direct interference in the internal affairs of that country." In the Anglo-Japanese treaty of alliance of 1902, "the high contracting parties, having mutually recognized the independence of China and Korea," declared themselves to be "entirely uninfluenced by any aggressive tendencies in either country."

Three years later, however, in renewing the alliance, the British and Japanese governments omitted mention of their devotion to the principle of Korea's integrity, mentioning only that of China; while Great Britain recognized the right of Japan "to take such measures of guidance, control, and protection in Korea as she may deem proper and necessary to safeguard [her] interests, provided always that such measures are not contrary to the principle of equal opportunities for the commerce and industry of all nations." [2]

In the Portsmouth Treaty Russia likewise recognized Japan's paramount interests in Korea and right to take such measures as those referred to in the treaty just mentioned.

When declaring war against Russia in 1904, the Emperor of Japan had issued a rescript, in the course of which he declared: "The integrity of Korea is a matter

[1] 1895.

[2] Anglo-Japanese Agreement of August, 1905.

of gravest concern to this Empire. . . . The separate existence of Korea is essential to the safety of our realm."

Thirteen days later, on February 23, 1904, Japan signed a Protocol with the Emperor of Korea, which began:

Article 1. For the purpose of maintaining a permanent and solid friendship between Japan and Korea and firmly establishing the peace of the Far East, the Imperial Government of Korea shall place full confidence in the Imperial Government of Japan, and adopt the advice of the latter in regard to improvements in administration.

Article 2. The Imperial Government of Japan shall in a spirit of firm friendship insure the safety and repose of the Imperial House of Korea.

Article 3. The Imperial Government of Japan definitely guarantees the independence and territorial integrity of the Korean Empire.

Three months after the conclusion of the war, on November 17, 1905, the Korean Emperor was compelled to accept a convention which begins:

Preamble. [The two governments], desiring to strengthen the principle of solidarity which unites the two Empires, have . . . concluded:

Article 1. The Government of Japan . . . will hereafter have control and direction of the external relations and affairs of Korea. . . .

In 1906 Marquis Ito was made (Japanese) Resident-General in Korea.

In 1907 Japan prevented the representatives of the Korean Emperor from being given a hearing at the Hague Conference.

This success was immediately followed by the framing of a convention to which the Korean Emperor had to agree, to the effect that:

The Governments of Japan and Korea, desiring speedily to promote the wealth and strength of Korea and with the object of promoting the prosperity of the Korean nation, have agreed:

1. In all matters relating to the reform of the Korean Administration the Korean Government shall receive instructions and guidance from the [Japanese] Resident-General. . . .

4. In all appointments and removals of high officials the Korean Government must obtain the consent of the Resident-General.

5. The Korean Government shall appoint to be officials of Korea any Japanese subjects recommended by the Resident-General.

6. The Korean Government shall not appoint any foreigners to be officials of Korea without consulting the Resident-General.

In 1908 Prince Ito declared publicly that it was no part of Japan's purpose to annex Korea.

In 1909 Prince Ito declared that Korea must be "amalgamated" with Japan.

In the next year came the final act in the tragedy of the "Hermit Kingdom." The broken and bewildered Emperor accepted the dictum of superior force, applied by the representatives of the country which had five years before solemnly guaranteed the integrity of his domains and the security of his throne—and set the sanction of legality upon Japan's annexation of his realm by signing the following treaty:

Article 1. His Majesty the Emperor of Korea makes complete and permanent cession to His Majesty the Emperor of Japan of all rights of sovereignty over the whole of Korea.

Article 2. His Majesty the Emperor of Japan accepts the cession mentioned in the preceding article, and consents to the complete annexation of Korea to the Empire of Japan.

This agreement was signed on August 22. On August 29, 1910, Japan formally declared Korea annexed to the dominions of His Majesty the Emperor of Japan.

No power intervened, there was no offer of mediation, there was not a word of official protest. The inevitable —an artificially created inevitable—had happened. The Japanese had been working toward this end for more than a quarter of a century. They had carefully prepared for the final *coup,* and when at last they took possession there was not a court in the world to which the Koreans could appeal for a hearing, not an advocate to plead for their cause. No matter how worthy the objects of Japanese statesmen may be; no matter how much of admiration their cleverness, their perseverance, and their success may command; no matter how marvelous the work which they do in the regions to which they go—when viewed against the background of centuries of non-progress on the part of the indigenes; it is essential that the world—if it is really interested in the fate of further portions of regions in which Japan is busying herself, and while it is being offered Japan's soothing promises of self-denial—read for itself the record of Japan's diplomatic promises as set forth in the story of this passing of Korea.

Japan immediately notified the world that Korea's customs treaties would remain in force for ten years. In the next year Japan adopted for herself a revised tariff on highly protective lines. It is to be presumed that in 1920 when the Korean treaties expire Japan's

tariff will go into effect for this her colony. Korea has already disappeared as a state; the open door to Korea will soon have been closed.[1]

[1] For chronological record of Japan's expansion see Appendix V.

CHAPTER XII

THE OPENING OF CHINA AND THE SCRAMBLE FOR CONCESSIONS

The term "open door" in international politics at once suggests two things: there is the question of opening the doors of any given country; and there is the problem of keeping the doors open. Within the latter problem there are a variety of questions with regard to the methods by which and the terms upon which the doors are to be kept open. A complete explanation of the open door policy in its application to China as a practical problem would necessitate an inquiry into the history of China's relations with foreign countries during practically the whole of the past four hundred years. Obviously such a digression is not necessary for purposes of the present account. Passing over three hundred years of the early commercial intercourse with Occidental nations, suffice it to say: China was first opened to foreign trade on a legal basis in 1842, when the British, after a successful war, secured by treaty the opening of five ports, the right to appoint consuls, and the right to "carry on their mercantile transactions with whatever persons they pleased." At the same time they secured the cession of the island of Hongkong, this being the first cession of territory made by China to a foreign power. There soon followed treaties between China and the United States and France respectively.

An early indication of what has throughout been the

guiding principle of American policy with regard to China appears in a memorandum presented by Caleb Cushing to the Chinese negotiator during the preliminaries to the making of the treaty of 1844: "We do not desire any portion of the territory of China, nor any terms and conditions whatever which shall be otherwise than just and honorable to China as well as to the United States. . . ."

The history of the period immediately following shows that the representatives of Great Britain, the United States, and France considered the interests of Western governments in securing rights of trade and security for their subjects as practically identical. The British at once opened Hongkong as a free port—which it has remained—and the Portuguese at Macao soon followed their example. When the British secured the setting aside of a special area at Shanghai in 1845 for commercial purposes, they developed the settlement on the principle that it was to be open to all, and the Shanghai international settlement became the model for the foreign settlements subsequently opened at other treaty ports.

When in 1854 the question of treaty revision came up Lord Clarendon's instructions to the British representative laid special emphasis upon certain recommendations, among which the first was: to obtain access generally to the whole of the Chinese Empire. The American and French envoys were instructed by their governments to coöperate with the British. New treaties were made, after necessary resort to force by the British and the French, in 1858 and 1860. The demands made then by the British, the French, the Americans, and the Russians were in general the same. The Russians, however, made a separate treaty by which they gained ter-

ritory in the northeast and special concessions and privileges in the portions of the Chinese Empire contiguous to Siberia.

The new treaties provided for the residence of foreign ministers at Peking, opened new ports, fixed the Chinese tariff at five per cent. *ad valorem,* gave definition and certainty to the principle of extraterritoriality, legalized the opium trade, and settled the details with regard to a number of rights for which the foreigners had contended. Great Britain secured the cession of Kowloon to round out her commercial base at Hongkong.

Each of the powers had declared that it did not desire to obtain exclusive concessions. None, of course, wished to see exclusive privileges granted to any of the others. Circumstances dictated the exceptions made in favor of Russia and Great Britain. In each of the treaties appeared the most-favored-nation clause, which provided in effect for "free and equal participation in all the privileges, immunities, and advantages that have been or may be hereafter granted [by China] to the government or subjects of any other nation." [1] These treaties mark the *real* opening of China's doors; their provisions have extended, through the operation of the most-favored-nation clause, to all the powers which now have treaties with China, and they constitute the foundation of the common rights of foreigners and foreign residence and commerce in China today.

The ministers who were appointed shortly to Peking acted at first along lines of coöperation, though, not unnaturally, they differed frequently as to the methods which were necessary. Other nations soon made treaties, and by 1870 the list of treaty nations on China's register included England, the United States,

[1] Wording in the British-Chinese Treaty, 1858, Article 54.

France, Russia, Prussia, Sweden, Norway, Portugal, Holland, Denmark, Spain, Belgium, Italy and Austria-Hungary. Japan joined the list in 1871. Before long there began to appear evidences of a diversity of aims and of individual policies. This was illustrated when the British Minister negotiated the Chefoo Treaty in 1876, and it became conspicuous in and after 1885. It reached a climax in the scramble for concessions of the period from 1895 to 1898. From and out of the perplexities and dangers to which this was leading there arose finally the definite enunciation of the open door policy in its application as a measure to secure a return to the principle of concerted action, as a check upon rivalries which were a menace to all, and as "an instrument through which the threatened partition of China and a general imbroglio might be avoided."

The first substantial abstraction of territory from the Chinese Empire was that consummated by the Russians in the treaties of 1858 and 1860. By these treaties China lost and Russia acquired the whole of whatever had belonged to China north of the Amur and east of the Ussuri Rivers. The region comprised approximately a million square miles. It carried with it six hundred miles of coast line. This area was not opened to the world, it became a part of the closed Russian Empire. Such was one of the indirect, unanticipated, and at the same time little noticed results of the success which the British and the French in combination had had elsewhere in using force to open China to the trade of the world. In addition Russia received special trade privileges, including a lowering of the customs duties all along the frontier, and special and exclusive rights on the Amur, the Ussuri and the Sungari Rivers.

Russia had begun, and twenty-five years later it be-

came the part of Japan to renew the policy of encroachment on China's territories. The assertion which has frequently been made, that England established the precedent for territorial encroachment when she took Hongkong, is entirely misleading; Hongkong is a small island; it was taken for the purpose of establishing a commercial base for the increased convenience of all nations, including China; it was thrown open as a free port for the use of all nations on equal terms.

While Russia was advancing in the North, France paved the way for her absorption of the regions in the South which were by loose ties dependencies of China. A rather inglorious war was followed by treaties in 1885 and 1886 which marked the complete severance of Indo-China from the Chinese Empire and secured for France commercial privileges along the Chinese frontier.

We have seen elsewhere how Japan proceeded step by step between 1875 and 1895 to sever the ties which had long existed between China and Korea. It was Japan's forward policy that brought on the Chino-Japanese War of 1894. Not content with securing the termination of China's suzerainty over Korea and the recognition of the complete independence of the Korean Kingdom, the Japanese exacted from China in the treaty of Shimonoseki [1] the cession of Formosa, the Pescadores, and South Manchuria. It was this war and the attempt to take from China a large and important area near the political heart of the Empire—this, and not Germany's seizure of Shantung two years later—that marked the first step in the series of aggressions which culminated in the "scramble for concessions"; it was this that raised the question which soon became an

[1] April 17, 1895.

issue: Is China to be partitioned? The scramble for concessions led indirectly to the Boxer uprising; the Boxer uprising gave Russia the chance to consolidate her position in Manchuria; and Russia's encroachments in Manchuria led to the Russo-Japanese War. Thus did the ambition of Japan contribute to the cause of peace in the Far East!

The world was surprised at the crumpling up of China and disposed to applaud Japan's victory. Russia, however, with her own ends in view, pointed out substantial reasons for objecting, and secured the support of Germany and France in forbidding Japan to retain the chief item of her spoils. The three powers compelled Japan to restore South Manchuria to China. It may be noted in passing that the territory which Japan had undertaken to annex there was much greater in extent than that which Russia secured by lease in the same region three years later.

The war had revealed China's military inferiority, her financial weakness, her administrative inefficiency and official corruption; hence the impression that she was on the verge of dissolution, with the consequent talk and consideration of her partition. For Japan, success became a stimulus to already existing ambitions. For the other powers, the precedent set by the attempted abstraction of the Liaotung Peninsula[1] ushered in a period of activity which was marked from the first by complete disregard on the part of the great European nations of the principle of China's integrity, a period characterized by a general scramble to gain particular concessions and counter concessions and to establish "spheres of influence."

France and Russia were not slow to demand compen-

[1] South Manchuria.

sations for the service which they had rendered China. The Chinese, needing money to pay the indemnity which Japan had exacted, applied to England for a loan. Russia intervened and compelled them to turn to France; the needed funds were therefore borrowed from France, with Russia as the broker; and Russia was given promises of future advantages.

Within two months after the signing of the Treaty of Shimonoseki the French Minister secured from the Chinese a convention granting to France territorial concessions and commercial privileges of an exclusive character. The special concessions which had been given Russia in the north in the treaties of 1869 and 1881 furnished the models for the concessions now sought and obtained by the French along the land frontier adjoining their Indo-Chinese territories. These concessions to France could not fail to affect disadvantageously actual competitors by sea routes, together with British interests which might attempt to compete by way of Burmah for trade in South China. Perseverance by France in a policy manifestly intended to secure for herself a position of exclusive interest in the southwestern provinces was bound to bring on a clash of interests between herself and Great Britain. The British protested against the violation, in favor of France, of China's most-favored-nation pledges. China was, however, helpless to oppose the French demands. England therefore had recourse to demands for compensating concessions to herself—which she obtained in 1897. In the interval, France and England found it convenient to agree (1896) that concessions, privileges, and advantages conceded to either in the provinces of Yunnan and Szechuen should be "extended and rendered common to both powers." In February, 1897,

China made compensation, to the satisfaction of England, as an offset to the concessions made to France, in the form of the cession of certain lands on the North Burmah frontier and the opening of new trade routes and ports in South China.

In 1895 Russia had posed as China's particular friend. Was it not she who had saved the Liaotung Peninsula? Did not she secure and guarantee the loan from France for the payment of the indemnity? True she had threatened that if China refused to act according to the suggestions of those who had assisted her she would allow Japan to retain her spoils. This did not alter the fact that she had rendered services—which called for material recognition; but it does add to the irony of the situation which developed when, having forced Japan to disgorge and having assisted China to pay for what was given back, the Russians calmly proceeded with plans for appropriating to themselves the very territory in question. The situation became positively farcical when ten years later Japan foiled Russia in this attempt; and the irony of it all is further increased when during the latest decade we find Russia and Japan joining hands for the mutual promotion of both their common and their respective interests at the expense of China. But how about the *ultimate* division of the spoils?

China has had the professed friendship of Russia and then that of Japan forced upon her. She has paid each for the defense of a shadow—the shadow of sovereign rights in Manchuria. And now who are the rulers of Manchuria?

Whether the Cassini Convention of 1896 was a myth or a reality, and what it contained if the latter, need not concern us now. China and Russia did in 1896 agree

upon the establishing of the Chinese Eastern Railway Company; the Russo-Chinese Bank was formed and became a powerful political instrument in the hands of the Russian government; China did grant Russia the right to project the Trans-Siberian railway across North Manchuria, and, eighteen months later, to build an extension southward to Port Arthur.

While these sundry advances were being made by Japan, France, England, and Russia, the German government was moved to the conclusion that Germany ought at the earliest possible moment to acquire a naval base and establish a sphere of influence in China. An intimation that such a policy was under consideration was given in the Reichstag in 1896. Shantung Province was decided upon as the region to be sought. The murder of two German missionaries in Shantung in November, 1897, furnished the occasion for action. A German fleet at once took possession of Kiaochow Bay, demands were made upon the Chinese government, and Prince Henry of Prussia was dispatched to negotiate a settlement, the Emperor speeding him on his way with the famous "mailed fist" injunction.

On March 6, 1898, the convention was signed by which Germany secured the lease of Kiaochow Bay and its environs for a period of ninety-nine years, with the right to build certain railways in the province, to open mines along the railways, and to have the first refusal of loans and other forms of assistance in case China undertook with foreign aid to develop the province. It was in addition provided that, "should Germany at some future time express a wish to return Kiaochow Bay to China after the expiration of the lease, China engages to refund to Germany the expenditure she has incurred at Kiaochow, and to cede to Ger-

many a more suitable place." Will China at the end of the present war be made to reimburse Germany for her recent losses at the hands of Japan?

It appears that Russia had already secured an option upon concessions in this region and that the acquiescence of the Russian government to the German occupation was secured by the suggestion that Germany would lend her approval to the Russian advance in Manchuria. England was at the moment so occupied elsewhere that she was in no position to interfere, and, notwithstanding that the traditional British policy contemplated the preserving of the territorial integrity of China, the British government did not even remonstrate. Count Bülow explained that it was no part of German intention to precipitate a movement toward the partition of China but that Germany must have her share of influence in the future development of the Far East and, if partition were to take place, she intended to be among those gaining thereby.

The German occupation of Kiaochow annoyed Russia; and the failure of Great Britain to object was probably a disappointment. The one fact afforded a precedent, the other gave a sense of assurance, and both made the Russians feel that the moment was opportune for an advance in Manchuria. A Russian fleet was ordered into Port Arthur. The British government made no objection. After having assured both the British and the Japanese governments that they desired simply a winter berth for their ships, the Russian government in January, 1898, demanded of China that Port Arthur be leased to Russia, *by way of compensation,* on terms similar to those on which Kiaochow had been leased to Germany. By a convention of March 27, the Liaotung Peninsula, including an area of 1,300 square miles and

the ports of Port Arthur and Talien-wan, was leased to Russia for a period of twenty-five years. So far as is known neither the British nor the Japanese government made any protest. The Russians at once completed the arrangements for the linking up of the newly acquired bases with the railway in the north, and in the agreement China guaranteed to the Russians a number of exclusive privileges along the railway and in the adjoining regions.

There lay ahead of Russia the opportunity to exclude the interests of other countries from Manchuria and assimilate the whole rich region; had she been more patient and less arbitrary during the next few years she might possibly have achieved a peaceful conquest. The agreements were thoroughly ingenious. Taken collectively they secured to Russia a more favorable position in Manchuria than had been accorded any other country in any part of China. Russia had, by them, the right to build on Chinese soil and under her own jurisdiction and administration some 1,700 miles of railway; she had control of the Liaotung Peninsula; she had special privileges all along the railway, including the right to introduce soldiers as guards; and she enjoyed special customs reductions on the northern frontiers. The apparent simplicity of the situation developed in the Russian statesmen an overconfidence which failed to take into account the purposes and growing strength of Japan; while the Japanese, indignant over the events of 1895, apprehensive for their own security, and ambitious for their own expansion, overlooked nothing.

It was not for France to allow Germany and Russia the acquisition of these huge concessions without demanding something for herself. The French govern-

ment had already in March, 1897, secured the first of what became a series of China's "non-alienation" declarations,[1] this having been a declaration by the Tsung-li Yamen that China had no intention of ceding the Island of Hainan to any power. Great Britain, following this example, secured a promise, February 11, 1898, from China, that under no circumstances would the Yangtse Valley be ceded to any other power. France then obtained a promise of the non-alienation of any part of the provinces bordering on Tonking.[2] The Japanese secured a similar declaration with regard to Fukien Province, the Yamen declaring it China's intention "never to cede or lease [Fukien] to any power whatsoever.[3] The impression has been carefully fostered by the interested parties on the one side that these declarations are to be looked upon as the bases of inchoate prior rights in favor, as concerns each of the regions, of the powers to whom the declarations respectively were made; and that interpretation is, it seems, the prevailing one. A scrutiny of the words used by the Chinese in the declarations should make it evident that the Yamen had no such intention. In strict construction, their phraseology carries a denial of any intention to alienate any part of these regions to anybody.

In addition to these declarations the British secured the pledge that the post of Inspector-General of Maritime Customs should continue to be filled by a British subject as long as British trade with China should continue larger than that of any other country. From this, certain other countries have chosen to conclude and have

[1] There had been a declaration with regard to Port Hamilton in 1887 which is not of present political importance.

[2] April 10, 1898.

[3] April 26, 1898.

intimated that it is to be considered a corollary that if their trade at any time surpasses that of the British they shall have the right to require that the Inspectorate-General be turned over to one of their nationals.

On the day after the signing of the Kiaochow agreement the French demanded: (1) that the bay of Kwangchou (Kwangchou Wan) be leased to them on terms similar to those of the German lease in Shantung; (2) that the right be given them to construct a railway to Yunnanfu on terms similar to those accorded to Russia for railway construction in Manchuria; (3) that a pledge be given that no portion of China south of the Yangtse Valley would be alienated to any power other than France; and (4) that the post of Director-General of the Imperial Postal Service be filled by a Frenchman as the Inspectorate-General of Customs was filled by an Englishman. On April 10, 1898, China granted these demands in substance, excepting that regarding the post office, and later that too was granted. On May 2, France asked for and secured the right to build a railway line from Pakhoi to the West River.

The first anxiety of the British had been for the security of the Yangtse Valley, and they had obtained in February the non-alienation pledge referred to above. As soon as the German and Russian demands had been approved, the British government arranged for the lease of Wei-hai Wei, a port which lies on the Gulf of Pechili at a point between Kiaochow and Port Arthur. This move was evidently made for strategic reasons; but as Wei-hai Wei is in Shantung Province, the British government took particular pains to assure Germany that it did not intend to infringe German rights in the province. At the same time, as an offset to the French acquisitions in the South, Great Britain asked for and

obtained an extension of the Kowloon area, opposite Hongkong, this being desired especially for military purposes. In the agreement for the lease of Wei-hai Wei[1] it was provided that Great Britain should hold that port "for so long a period as Port Arthur shall remain in the occupation of Russia," a subtly worded clause inasmuch as it was unlikely that Russia would ever voluntarily give up what she had once acquired.

Japan, having already secured the "non-alienation" agreement mentioned above with regard to Fukien, in June asked that settlements be immediately established for the exclusive use of Japanese subjects at six specified points, and this demand was granted.

The Italian government, not willing to enjoy the distinction of having remained indifferent, and encouraged apparently by the fatal influence of example, chose to ask for the lease of Sanmen Bay on the Chekiang coast, together with other rights which, had they been granted, would have established an Italian sphere of influence over two-thirds of that rich province. This was too much for the Chinese, and the Yamen rejected the demand with studied discourtesy. The Italian Minister then sent an ultimatum, but his government, after some confusion, concluded by declaring that it did not care to press the matter as Sanmen was not a good port and really not worth bothering about. The ripe grapes had, apparently, all been gathered.

The Italian demands in their later stages were the last of this long series. The Chinese government had finally found the courage to refuse a concession; it had been goaded to the point of turning. In September, 1898, the Empress Dowager had effected her *coup d'état,* had locked up the Emperor, Kwang-hsü, and had

[1] July 1, 1898.

taken the reins of government again into her own hands. In November, 1899, she sent out word to the viceroys and governors appealing to them to resist all further aggressions of foreign powers—if need be by force of arms. The period of the scramble for concessions was at an end.

Are the Japanese-Chinese disagreements and agreements of 1914-1915 destined, as were those of 1894-1895, to become the prelude to another scramble?

CHAPTER XIII

THE OPEN DOOR POLICY

Such, then, was the situation in China at the end of 1898. Germany had secured her foothold in Shantung; Russia was ready to make herself at home in Manchuria; France and Great Britain had taken ports, and had agreed to share concessions in the southwest. France had her special interests in Yunnan. Great Britain had asserted her claim to the Yangtse Valley as a sphere of influence and considered the region adjacent to Hongkong another special sphere of interest. Japan had earmarked Fukien Province. Italy alone had had her demands refused. The United States had asked for nothing, been refused nothing, and been given nothing.

At the same time, while these momentous events had been taking place in China, the United States by force of an entirely separate set of circumstances had been drawn from its antecedent position of aloofness from world politics and before the end of 1898 had become unexpectedly but in a very direct way interested in the politics of the Far East. The Spanish-American War had begun in April; the Treaty of Paris which put the United States in possession of the Philippine Islands was signed in December.

With the acquisition of the Philippines, the Republican administration became suddenly enthusiastic over the possibilities of American commercial expansion in

the Pacific. We had ventured, or stumbled, into world politics. We had a base in the Pacific Ocean. It behooved us to have a Far Eastern policy and to make the most of the opportunity before us. The Chinese situation had commanded the attention and the interest of every foresighted follower of international developments for several years. Everyone knew that China was a great potential field for commercial expansion. What then should be our attitude with regard to China?

It happened that the British and the United States governments had been for some time in hearty sympathy in their disapproval of the course which matters had been taking in China. It was from the British, if from any source, that one might have expected opposition to a movement threatening to upset the *status quo* and to close markets in the Far East. Great Britain had little to gain and much to lose by the partition of China; she would gain by a wider opening of doors everywhere and would lose by the closing of doors anywhere. She did not desire for herself additional territory, with the responsibilities for administration which would attend. She did desire the freest possible markets. She had the largest investments of capital and the greatest number of commercial enterprises operating in the Far East, and her chief desire was to insure the widest possible opportunities for the increase of her trade, with the minimum of political entanglement.

British statesmen had, however, wavered during the period of the scramble, and they appear to have hesitated between the sphere of influence and the open door policies. They had not, because of preoccupation elsewhere, been able to oppose the advances made by their rivals, and they had finally capitulated to the pressure

of competition in the rush of concessions. When at last they had decided that the open door policy was that which was most desirable for the purpose of conserving their own interests, they were not in a position consistently to come forward as sponsors for that policy.

On the other hand the United States was free from entanglements and had a clear record in the Far East. In stepping forward as the advocate of an open door policy it could not reasonably be accused of having ulterior political motives. To what extent the move was discussed, and whether it was agreed upon between the two governments in advance, we cannot say. The principle of defending China's integrity and encouraging a wider opening of her doors to foreign trade on terms enjoyable equally by all comers had long been cardinal features in the policies of both countries. The British had, however, recently been thrown on the defensive and were open to suspicion. It was, therefore, not surprising that the formal diplomatic advances designed to secure express adherence to the policy of maintaining open doors and to discourage activities based on the assumption that China was on the verge of dissolution issued from the American Department of State rather than from the British Foreign Office.

It was the United States, then, that formally enunciated the open door policy, asking the powers to pledge themselves to the principles therein involved—the idea being to establish by mutual consent a rule which should operate as a guaranty of equality of commercial opportunity and as a positive force toward securing the peace of the Far East and advancing the best interests of all the countries concerned.

In September and November, 1899, Secretary Hay sent to the diplomatic representatives of the United

States at London, Paris, Berlin, St. Petersburg, Tokyo, and Rome, instructions to advise the governments to which they were respectively accredited of the hope that they would make "formal declaration of an 'open door' policy in the territories held by them in China." An assurance was sought from each power that: first, it would "in no way interfere with any treaty port or any vested interest within any so-called 'sphere of interest' or leased territory" which it might have in China; second, "the Chinese treaty tariff of the time being shall apply to all merchandise landed or shipped to all such ports as are within said 'sphere of interest' (unless they be 'free ports'), no matter to what nationality it may belong, and . . . duties so leviable shall be collected by the Chinese government"; and, third, "it will levy no higher harbor dues on vessels of another nationality frequenting any port in such 'sphere' than shall be levied on vessels of its own nationality, and no higher railroad charges over lines built, controlled, or operated within its 'sphere' on merchandise belonging to citizens or subjects of other nationalities transported through such 'sphere' than shall be levied on similar merchandise belonging to its own nationals transported over like distances."

In due course favorable replies had been received from all the governments addressed, though one of the notes was decidedly equivocal in its wording, while several not unnaturally made the reservation that assent was given upon the condition that the proposals were accepted by all the other powers concerned.

Having in hand and having compared the replies, Secretary Hay on March 20, 1900, sent instructions to each of the above-mentioned representatives to inform the government to which he was accredited that, inasmuch as it had accepted the declaration suggested by the

United States and as like action had been taken by all the various powers concerned, the condition of common acceptance having been complied with, the United States government would consider the assent given as final and definite. In other words, Secretary Hay declared that in his opinion each of these six powers had entered into an agreement with the United States which amounted to a mutual pledge to preserve the commercial *status quo* and to refrain, each in what might be its sphere of interest, from measures calculated to destroy equality of opportunity.

These notes constitute the formal basis of the open door policy as it has been theoretically in force with regard to China during the past fifteen years. It should be noted that they do not constitute a *treaty,* either between the United States and the six powers individually, or among the powers as a group, or between the powers and China. They have, however, the character of formal affirmations, and the seven powers are by them formally pledged to the principles of the open door policy.[1]

The aggressions of the powers during the three years just past had not been without their effect upon the minds both of the governing officials and of the people of China. In November[2] the Empress Dowager had, as indicated above, appealed to the viceroys and governors to resist further encroachments. The government urged the people to act "to preserve their ancestral homes and graves from the ruthless hand of the invader." Already there were being heard mutterings among the populace both against the government and against the foreigners. In the spring of 1900, "while the ink was not yet dry on Secretary Hay's summariz-

[1] For further pledges see Appendix VII. [2] 1899.

ing notes," the storm burst. The Chinese government skillfully maneuvered the forces of discontent so that the outbreak developed into an attack on foreigners instead of against the Court. The Boxer uprising threw the affairs of China and the possibilities as to her immediate future into the melting pot. While the attack on the legations was still in progress, Secretary Hay, on July 3rd, sent a circular telegram to the diplomatic representatives of the United States at eleven capitals, declaring:

> In this critical posture of affairs in China it is deemed appropriate to define the attitude of the United States. . . . We adhere to the policy initiated by us in 1857 of peace with the Chinese nation, of furtherance of lawful commerce, and of protection of lives and property of our citizens. . . . The purpose of the President is, as it has been heretofore, to act concurrently with the other powers . . . the *policy of the . . . United States is to seek a solution which may bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international law, and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire.*[1]

In various ways each of the powers addressed indicated and intimated that it intended to be governed in its actions by these principles.

In sending troops to the relief of the legations the powers acted in concert; but no sooner had Peking been taken than Russia acted independently in withdrawing her minister and her troops. It is true she first suggested to the other powers that they all do this; but it was reasonable to suppose, as was immediately shown,

[1] Italics by S. K. H.

that they would not agree to such a move. Russia had ulterior motives; here was an opportunity to give the impression of friendliness to the Chinese; she had work for those soldiers to do in Manchuria—which she had virtually occupied with her military forces under cover of suppressing the Boxers; there were these two points to gain and there was nothing to lose, for the soldiers of the other powers who would remain in Peking would insure Russia's interests there just as well as could the presence of her own.

During the long negotiations which were concluded by the signing of the Peace Protocol on September 7, 1901, the United States government opposed every suggestion of partition of China or abandonment of the open door policy. Foreign troops continued in joint occupation of Peking until September 17, and guards have been kept at the legations ever since, except that the Russians withdrew theirs in 1914 for reasons not unlike those which moved them in 1900. Troops remained at Tien-tsin until August, 1902, and at Shanghai until four months later.

On October 16, 1900, Great Britain and Germany made an agreement mutually pledging themselves to both the observance and the support of the open door and the integrity of China policies. This was of course a special declaration arising out of the situation which had been brought on by the Boxer outbreak, but its purport was general; it was, in conformity with its own provisions, communicated to the various powers—with the request that declarations of adherence to its principles be given.

The settlement whose terms were embodied in the Peace Protocol of 1901 was arrived at by common agreement of the powers and without any subtraction

from China's territories. It was signed by the representatives of twelve powers—including those of China. In the Protocol there appeared an account of the punishing of the officials conspicuously implicated in the Boxer uprising, and of the official apologies which China would make to certain powers. In the succeeding articles it was agreed:

That China should suspend the examinations for five years in cities where foreigners had suffered personal violence;

That China should prohibit the importation of arms;

That China should pay an indemnity of 450,000,000 Haikwan (Customs) taels (about $325,000,000) at a fixed rate of exchange, the amortization to be completed by the end of 1940, the customs revenues, the native customs, and the salt revenues being made security;

That the legation quarter at Peking be under the exclusive control of the foreign nations, with no Chinese residents, and with the right to be made defensible;

That China should raze the Taku forts and others which might impede free communication between Peking and the sea;

That the foreign powers might station troops at certain points in North China;

That China should publish and circulate certain edicts;

That the Chinese tariff be revised;

That China undertake certain conservancy works.

The final article made note of the metamorphosis of the old Tsung-li Yamen (Office of Foreign Affairs) for which there was now to be substituted the Wai-wu Pu (Board of Foreign Affairs), and of an agreement as to ceremonial in the reception of foreign representatives.

In conformity with the provision regarding the tariff,

an international commission met at Shanghai to make the necessary revision. The agreement which this commission arrived at (August 29, 1902), providing for bringing the tariff up to an "effective 5%" and that "all duties levied on imports *ad valorem* be converted as far as feasible . . . into specific duties," was signed at once by eight powers and nineteen months later by four more.

A week after the signing of this agreement, a separate Anglo-Chinese commercial treaty was signed.[1] Article III of this treaty contains matter of the greatest importance, should it be made effective, to the trade of all countries and to China, but it cannot go into effect until its principles have been by convention approved by the other powers. It provides for the abolishing by China of *likin* and transit duties. In return, England consents that "foreign goods on importation, in addition to the effective 5 per cent. import duty . . . shall pay a special surtax equivalent to one and a half times the said duty to compensate for the abolition of the *likin,* of transit dues in lieu of *likin,* and of all other taxation on foreign goods . . .," [2] and that the export tax be raised to not more than 7½ per cent. This provision would mean the raising of China's import duties from the existing 5 plus 2½ per cent. to 12 per cent.

These agreements were to come into effect on January 1, 1904, provided all the powers entitled to most-favored-nation treatment entered into similar engagements without having exacted any political or exclusive commercial concessions in return therefor. The United States and Japan included articles providing for the

[1] The Mackay Treaty, September 5, 1902.

[2] This provision not to affect salt, native opium, and some other articles.

abolition of *likin* and the raising of the tariff rates in the commercial treaties which they proceeded to make with China in 1903; but as the other powers have not yet made similar agreements with China, these provisions, which would simplify many matters, have never been given force. China remains not only minus autonomy in the matter of tariff policy, but limited to the five per cent. rate—which annoys the Chinese just as like restrictions annoyed the Japanese until their removal in 1899.

As the decision of the Empress Dowager in November, 1899, to resist all further foreign aggression, marked the end of a period, so the return of the Court to Peking in January, 1902, marks the beginning of a new era. The Empress Dowager had "eaten bitterness," she had learned that China was hopelessly weak and the Western nations powerful. She decided that henceforth she would combat foreign influence by accepting it. She was ready to profit by the instruction and she hoped to learn how to employ the methods of the West. But of *concession giving* China had had enough. She forthwith busied her officials with the study of Occidental institutions, but in the conduct of foreign relations she undertook to defend the national integrity by refusing territorial and, as far as possible, other concessions to any and all powers alike.

To understand the present political situation and to be able to form one's own opinions with regard to contemporary developments in the Far East, it is essential to remember the facts, observe the tendencies, and grasp the underlying significance, first, of the scramble for concessions and, second, of the enunciation of the open door policy. The scramble for concessions was cumulative. An attack had been made upon China's integ-

rity. The impression that China was helpless and potentially partitionable went abroad. One power demanded concessions by way of compensation. The equilibrium having been disturbed, the subsequent demands of some of the powers were dictated by the motive, perhaps unconscious but none the less real, of redressing and maintaining the "balance of power"—in terms of opportunity and influence. Each special concession to a single power was a menace to the interests of each and all of the other powers. Therefore each of the others sought special privileges for itself as an offset to what it lost through the fact that special privileges had been given to its rivals.

When the spheres of influence had been staked out, the question presented itself to each of the powers: What are the others going to do in *their* spheres with regard to *my* interests, and what shall I do in *mine* with regard to *their* interests? The United States, having no sphere of influence, found an answer, in theory, to the question of all, in the securing of the pledges that the doors of opportunity for trade of all nations should be kept open and the integrity of China should be respected. The granting of the concessions had created a new status. The open door agreements, *recognizing that status,* undertook to define the common rights and opportunities of the nations under its conditions. The Peace Protocol confirmed the new situation. Thereafter it was understood to be the desire of the nations to maintain and respect the *status quo.* Certain nations, conspicuously the United States, Great Britain, and Germany, have subsequently lived up to the implications and prescriptions of these agreements. Certain others, France in some degree, Russia more, and Japan most of all, have chosen to exert themselves along lines

which no amount of explanation can reconcile with the conception of a desire scrupulously to observe either the spirit or the letter of the agreements and to maintain the *status quo.*

Russia's activities in Manchuria immediately betrayed her intentions. The settlement at the end of the Russo-Japanese War materially altered the political and geographical alignment. A new status was created. New pledges were made for the maintaining of the newly created *status quo.* Japan's activities in Manchuria during the next ten years further modified the alignments. In 1914 Japan's conquest of the German possessions in Shantung again abruptly altered the situation. And, finally, Japan's demands upon China in January, 1915, and the granting of the special privileges and concessions which China has been forced to make to Japan constitute a complete upsetting of the balance of power and suggest all the possibilities of a reversion, after the European War shall have been concluded, to speculation, apprehensions, competition, and consequent developments such as marked the years 1895—1898. In the light of commercial conquests such as Japan has prosecuted in Manchuria, and of military and diplomatic aggressions which have marked her China policy since August, 1914, the open door and integrity of China agreements of 1899, 1900, and 1901 may as well be acknowledged to have become, potentially at least, so many "scraps of paper."

CHAPTER XIV

JAPAN'S CHALLENGE TO RUSSIA AND ENTRANCE INTO SOUTH MANCHURIA

HAVING fortified themselves with the railway concessions and the lease of the Liaotung Peninsula, the Russians after 1898 proceeded to make themselves entirely at home in Manchuria. While Dalny was declared a free port, Port Arthur was treated as Russian soil. Chinese customs regulations were quite ignored. An attempt was made to get rid of the British engineer-in-chief on the Chinese railway which was being extended with British capital north of the Great Wall, and later to block the extension entirely. The British government protested that the Russians were interfering with rights guaranteed by the most-favored-nation clauses in China's treaties. The Russian reply took the form of a proposal for a reciprocal agreement regarding Russian and British interests in Manchuria and the Yangtse Valley respectively—such a reply being, logically, quite beside the point. The British government compromised on the matter of the railway and accepted the proposal for a reciprocal exclusion agreement. This controversy foreshadows the Russo-Japanese veto, which came eight years later, of the proposed construction of the Hsinmintun-Fakumen extension.

The Anglo-Russian agreement took the form of an exchange of notes on April 28, 1899, in which Russia engaged not to seek railway concessions in the Yangtse

Valley nor obstruct applications for railway concessions there which should have the support of the British government; while the British government gave similar pledges, *mutatis mutandis,* with regard to railway concessions north of the Great Wall. Both parties declared that they had "nowise in view to infringe in any way the sovereign rights of China or existing treaties." In this transaction the British government virtually *bargained* in defense of a right such as it had earlier declared it would defend at any price; it confirmed Russia's privileged position in Manchuria and secured in return an empty promise regarding the Yangtse Valley —for Russia was already proceeding under a Belgian mask with plans to penetrate the British sphere to the Yangtse and beyond.

The Boxer outbreak was to the Russians a veritable invitation to occupy Manchuria outright. Having moved in, and having garrisoned some fifty points, they had no intention of moving out. After the Allies had occupied Peking, Russia was the only power which, in the settlement, sought territorial gains. Other powers, Great Britain, the United States, and Japan in particular, dissented from the proposition that Russia's special position in Manchuria gave her the right to make special terms.

In the fall of 1900 the Russians tried to put through an agreement with the Tartar General at Mukden whereby a Russian Resident-General with "general powers of control" was to be installed at Mukden and the Chinese military forces in Manchuria were to be put under Russian command. The United States, Great Britain, and Japan protested, enabling the Chinese government, thus supported, to refuse to ratify the agreement. A modified agreement, still leaving Russia in

a privileged position, was signed in January, 1901. Throughout the negotiations of 1901 Russia played for special terms for herself, with constant opposition from the representatives of some of the other powers. In December it became known that a convention was under way whose provisions, had they been agreed to, would have rendered Manchuria in all but name a Russian protectorate. Great Britain, the United States, and Japan renewed their protests against the continuing of the Russian military occupation.

In February, 1902, Secretary Hay addressed to the governments of eleven countries identical notes expressing the views of the American government in the face of a situation which has had its parallel in the circumstances of the Japanese demands upon China of January 18, 1915. Seldom does history repeat itself as promptly as it has done in the case of the Japanese duplication in 1914-1915 of the Russian performances of 1901-1902.

The Hay note of February 1, 1902, reads as follows:

> An agreement by which China cedes to any corporation or company the exclusive right and privilege of opening mines, establishing railroads, or in any other way industrially developing Manchuria, can but be viewed with the gravest concern by the government of the United States of America. It constitutes a monopoly, which is a distinct breach of the stipulations of treaties concluded between China and foreign powers, and thereby seriously affects the rights of American citizens; it restricts their rightful trade and exposes it to being discriminated against, interfered with or otherwise jeopardized, and strongly tends towards permanently impairing the sovereign rights of China in this part of the Empire and seriously interferes with her ability to meet her international obligations. Furthermore, such concession on the part of China will undoubtedly be fol-

lowed by demands from other powers for similar and equal, exclusive advantages in other parts of the Chinese Empire, and the inevitable result must be the complete wreck of the policy of absolute equality of treatment of all nations in regard to trade, navigation, and commerce within the confines of the Empire.

On the other hand, the attainment by one power of such exclusive privileges for a commercial organization of its nationality conflicts with the assurances repeatedly conveyed to this government by the imperial Russian ministry of foreign affairs of the imperial government's intention to follow the policy of the open door in China, as advocated by the government of the United States and accepted by all the treaty powers having common interests in that Empire.

It is for these reasons that the government of the United States, animated now, as in the past, with the sincere desire of insuring to the whole world the benefits of full and fair intercourse between China and the nations on a footing of equal rights and advantages to all, submits the above to the earnest consideration of the imperial governments of China and Russia, confident that they will give due weight to its importance and adopt such measures as will relieve the just and natural anxiety of the United States.[1]

This note is well worth study as one compares the then Russian-Chinese situation with the present Japanese-Chinese situation.

The Russian government again assured the United States that the commercial rights of all nations would be respected. The attitude of the United States, Great Britain, and Japan, and, finally, the announcement of the formation of the Anglo-Japanese Alliance,[2] caused Russia to modify her position. On April 8, 1902, she

[1] U. S. For. Rel., 1902, 275, 926.

[2] January 30, 1902.

made an agreement with China, promising gradually to withdraw all her forces from Manchuria and to restore to China the Shanhaikwan-Newchwang-Hsinmintun Railway, which she had occupied during the Boxer trouble.

The conclusion of the Anglo-Japanese Alliance paved the way for momentous developments in the Far Eastern situation and even in world politics. This alliance was entered into by each of the contracting parties as a measure of defense—on the part of Japan, especially against Russia; on that of Great Britain, partly against Russia and also to some extent against France, Russia's ally. French capital had made possible the building of the Trans-Siberian and the Chinese Eastern Railways, and the diplomats of Russia and France were in constant coöperation in the prosecution of their Far Eastern policies.[1]

In the preamble of their agreement Great Britain and Japan declared:

> The Governments of Great Britain and Japan, actuated solely by a desire to maintain the *status quo* and general peace in the extreme East, being moreover especially interested in maintaining the territorial integrity of the Empire of China and the Empire of Korea and in securing equal opportunities in these countries for the commerce and industry of all nations, hereby agree . . .

They then stipulated that either might take the measures necessary to safeguard its interests if threatened by the aggressive action of any power or by disturbances

[1] An interesting account of the reaction of this Far Eastern unfolding upon politics in Europe is to be found in Tardieu's "France and the Alliances." It was not until 1904 that the Anglo-French entente was effected.

in China or Korea; and that if either should in defense of these interests become involved in a war with a third party and then be attacked by a fourth, the other would come to its assistance.

Russia and France met this with a joint Declaration, on March 16, 1902, affirming that the principles animating the British and Japanese policies in the Far East were the same as those which underlay their policies, but adding that: "Being obliged themselves also to take into consideration the case in which either the aggressive action of third parties, or the recurrence of disturbances in China, jeopardizing the integrity and free development of that Power, might become a menace to their own interests, the two allied Governments reserve to themselves the right to consult in that contingency as to the means to be adopted for securing those interests."

As the dates agreed to for the withdrawal of their troops approached, the Russian officials, instead of removing their soldiers, simply called them in from points at which they were stationed and distributed them along the railway line as "guards."

The Chinese government was then asked to agree to the establishing of a customs service at Dalny and some interior points, independent of the Chinese Customs and under a Russian commissioner, and of post-offices under the same control.

It was reported in April, 1903, that Russia was proposing to China new conditions as to the price of evacuation, these including privileges in both Manchuria and Mongolia such as would virtually close those regions to foreigners other than Russians. It was being demanded that the Chinese government open no new treaty ports in Manchuria; that it admit no new consuls without the

previous consent of the Russian government; that it employ no foreigners other than Russians in any branch of its administration in Manchuria and Mongolia; that the Newchwang customs receipts be deposited in the Russo-Chinese Bank; and that Russian interests be given precedence in several other matters. All this was clearly in violation of the open door.

The Russian Ambassador to England informed Lord Lansdowne that no such conditions had been suggested. The British government chose to accept the assurances of the Russian Ambassador, but the American and the Japanese governments took occasion to make another protest. Then the Russian government through its Ambassador at Washington assured Secretary Hay that no such demands had been made. In the meantime the United States Minister at Peking had received from the Russian Chargé a copy of the demands, which agreed with the reports which had been made. Secretary Hay saw fit, however, to let the matter rest with the publishing of a note declaring that the United States felt bound to accept the explanation of the Russian government.[1]

In the autumn the Russian government declared the Amur region and the Kwantung territory a special administrative area. A Russian "viceroy" was given supreme civil, military and naval authority, and was empowered to conduct diplomatic negotiations with "neighboring states." He was to be responsible for law and order in the "districts traversed by the Chinese Eastern Railway," and to watch over the interests of Russian inhabitants of the regions under his jurisdiction or "lying on the other side of the border." This could scarcely be construed as evidence of an intention to "evacuate" Manchuria.

[1] May 3, 1903.

Russian agents were at the same time busying themselves in Mongolia, surveying a railway route from Khailar to Kalgan, erecting forts at Urga, and exploring.

In September, 1903, the Russian Minister announced to the Chinese government that the evacuation of Fengtien Province (South Manchuria) would be carried out if China would agree not to transfer any part of Manchuria to any other powers, would promise that no concessions would be made to England without equivalent provisions for Russia, would leave the telegraph line from Port Arthur and Newchwang to Mukden in Russian hands, and would undertake that there be no increase in the import tariff on goods entering Manchuria by rail. This indicated that the American and Japanese protests had had some effect.

In the meantime, the American and the Japanese governments had been pushing the negotiations for their commercial treaties with China and were insisting that several new ports in Manchuria be opened to foreign trade. The Russians made some opposition to this, but the United States and Japan insisted, and on October 8 the American and on October 9 the Japanese treaties were signed, whereby it was provided that Mukden, Antung, and Tatungkow, all three in Manchuria, should be opened to foreign trade.

October went by and still the evacuation did not take place. It was estimated that Russia had 45,000 soldiers in Manchuria. Soon Japan began to *demand* that Russia fulfill her promises. Yuan Shih-kai, then Viceroy of Chili Province and Commander-in-chief of the new Chinese army, urged on his government that its proper policy would be to side with Japan.

In consultation with the Russian Minister at Tokyo,

Baron Komura drafted proposals in August, 1903, including the following points:

(1) The independence and integrity of China and Korea should be respected and the open door preserved;

(2) Japan's interests in Korea and Russia's in Manchuria should be recognized;

(3) Each power should be at liberty as to industrial and commercial activities in its sphere of influence, without interference from the other;

(4) Only sufficient troops should be kept on the ground to protect interests, and these should be recalled when no longer needed.

(5) Russia should recognize the exclusive interest of Japan in assisting the Korean government.

The Russian government presented counter proposals. In these, Manchuria was mentioned only to the effect that Japan should recognize it as outside her sphere of interest. The integrity of Korea was to be respected. Both powers were to agree not to use the territory of Korea for strategic purposes nor to erect fortifications on its coast. The part of Korea north of the 39th parallel was to be regarded as a neutral zone.

These proposals amounted practically to a demand that Japan recognize Russia's complete freedom of action in Manchuria while accepting close restrictions upon her own actions in Korea. The tone of the negotiations indicates that the Russians were confident that Japan would not risk war. On October 30, the Japanese sent a second communication to the Russian government, expressing willingness to recognize Manchuria as outside their sphere of interest, if the Russians would reciprocate by recognizing Korea as outside theirs. The Russians replied, ignoring the proposals about Korea and declin-

ing to discuss the Manchurian question. Japan then sent a third set of proposals, to which Russia replied still insisting upon being left absolutely free in Manchuria. Japan then sent an ultimatum. This had not been answered when, on the 5th of February, 1904, the Japanese Minister at St. Petersburg sent his government word that the Russians were thoroughly resolved not to yield on the question of Manchuria. Japan thereupon broke off diplomatic relations and ordered her fleet to act.

The first intimation which the Russians in the Far East had that war was on came when the Japanese attacked the Russian ships at Port Arthur on February 9. On the next day a formal declaration of war was issued by both countries.

At the beginning of the war both Russia and Japan made agreements that the neutrality of China—except for Manchuria—should be respected and that operations should be limited as far as possible to territory over which the dispute had arisen. South Manchuria thus became the battle ground, and Korea became Japan's military highway. The Japanese destroyed two Russian fleets, captured Port Arthur, and drove the Russian armies out of the southern extremity of Manchuria; but when the war closed no Japanese soldier had set foot on Russian soil, the Russian army lay south of Changchun in no danger of destruction, the Russian generals were begging the Tzar to continue the conflict; and, as we know now, Japan, after her brilliant series of victories, was, without having given any evidence of the fact, approaching exhaustion.

When the war broke out, in February, 1904, the United States government made representations to the Russian and the Japanese governments asking that they

respect "the neutrality of China and in all practicable ways her administrative entity,"—to which both governments replied favorably.

In January, 1905, Secretary Hay sent notes to the American Ambassadors to the powers other than Russia and Japan, saying that apprehension existed on the part of some of the powers lest in the negotiations for peace between Russia and Japan demands might be made for the concession of Chinese territory to neutral powers. He then proceeded to reaffirm the policy of the United States of maintaining the integrity of China and the " 'open door' in the Orient." Replies were soon given by all of the major powers, "declaring their constant adhesion to the policy of the integrity of China and the 'open door' in the Orient." [1]

In the spring of 1905 the President of the United States approached the governments of Russia and Japan with requests that they try to make peace. This friendly suggestion led to the conference at Portsmouth, where, not without the good offices of President Roosevelt and Kaiser Wilhelm, Baron Komura and Count Witte managed to agree upon terms of peace. Count Witte had absolutely refused to listen to Japan's proposal that Russia should pay indemnities; he had been perfectly willing to break off the negotiations, and only after Baron Komura had been persuaded to drop that demand was it found possible to proceed to a successful conclusion. The Portsmouth Treaty, signed on September 5, 1905, provided:

(1) For recognition of Japan's "paramount political, military and economic interests" in Korea;

(2) For transfer of the rights of Russia in the Liaotung Peninsula to Japan;

[1] Moore's "International Law Digest," Vol. V, 555-556.

(3) That the southern section of the Manchurian railway be ceded to Japan;

(4) That the portion of Saghalin south of the 50th parallel be ceded to Japan;

(5) That Russia and Japan should withdraw their troops from Manchuria, but retain railway guards;

(6) *That neither Japan nor Russia should obstruct "any general measures common to all countries which China may take for the development of the commerce and industry of Manchuria";*

(7) *That railways in Manchuria be exploited purely for commercial and industrial, and in no way for strategic purposes—except in the Liaotung Peninsula.*

In Article III of the treaty the Russians declared that they had "not in Manchuria any territorial advantages or preferential or exclusive concessions in impairment of Chinese sovereignty or inconsistent with the principle of equal opportunity."

On December 22, 1905, China and Japan made a treaty (the Komura Treaty) in which China confirmed the terms of the Russo-Japanese treaty in so far as they concerned her, and agreed to additional arrangements concerning Manchuria. A set of secret protocols was, at Japan's instance, attached to this treaty; and provisions of these protocols were subsequently made to serve as the warrant of legality for Japan's refusal to allow China, England, and the United States to engage in railway enterprise in Manchuria. This treaty and the protocol opened the way for the developments in South Manchuria which in the course of ten short years have so altered conditions there that Japan was able in January, 1915, to present with substantial show of reasonableness that portion of her new demands which had to do with Manchuria.

In August of 1905, Japan and Great Britain had renewed their alliance. The new treaty provided for the maintenance of the territorial rights of the contracting parties and the defense of their special interests in the regions of Eastern Asia and India; the maintenance of the general peace of those regions; and the preservation of the integrity of China and the open door. Great Britain recognized Japan's paramount and exclusive rights in Korea. It was agreed that if either party should become involved in war in defense of its territorial rights or special interests in the regions mentioned, the other would come to its aid. This amounted to a formal and automatically operating, defensive, and, if necessary, offensively defensive alliance.

The close of the war left Russia in *North* Manchuria and found Japan ensconced as successor to what had been Russia's rights in *South* Manchuria. There were thus *two* foreign powers, where there had been *one,* with spheres of interest in Manchuria. Russia had, before the war, failed to live up to her open door pledges. We shall now turn to see something of what Japan has made of those pledges since.

CHAPTER XV

SOUTH MANCHURIA: TEN YEARS OF JAPANESE ADMINISTRATION

1. STRATEGIC CONSIDERATIONS AND RAILWAY POLICIES

South Manchuria is so important both strategically and commercially that its fate is of vital interest in world politics. Of its three principal seaports, Dairen, Newchwang, and Antung, the first named ranked in 1912 seventh, and the second ranked tenth in the volume of trade among China's ports; while Antung has fast been forging to the front. South Manchuria has already three trunk railway lines with numerous branches. These lead from five important ports to the heart of Manchuria, affording connection on the east with Korea and thence with Japan, on the west with the capital of China, and to the north with the Trans-Siberian and Russia in Asia. Port Arthur commands the gateway to the Gulf of Pechili and the heart of North China. From the vantage ground of the Liaotung Leased Territory, and through the instrumentality of the South Manchuria Railway, Japan now dominates South Manchuria.

Japan has committed herself to the principles of the open door and the integrity of China in not less than ten formal diplomatic exchanges—beginning with her assent to the principles enunciated by Secretary Hay in the circular notes of 1899. The latest of such formal

pledges appears in the Treaty of June 13, 1911, with Great Britain, which for the second time renewed the Anglo-Japanese Alliance.

Japan's legal rights in South Manchuria depend upon: the Portsmouth Treaty, concluded between herself and Russia (September 5, 1905); the ratification of the terms of that treaty as affecting China in the Komura Treaty made between China and Japan (December 22, 1905); the secret protocols annexed to the Komura Treaty; and subsequent agreements which have been made between China and Japan—most of which have had to do with railways and the administration of the customs.[1] Having a direct bearing upon the manner in which the rights accruing from these treaties shall be exercised are the pledges which Japan has made to other nations to observe the open door and respect China's integrity.

While observing and in estimating the possible effects of Japan's activities in Manchuria and of her whole China policy we need always to keep in mind the history of Korea. It is not irrelevant to remember that, whereas Japan in 1904 formally guaranteed to the Emperor of Korea the security of his throne and the integrity of his realm, in the short period of three years thereafter Korea had been reduced to the position of a dependency, while in four years more there was consummated the complete annexation of that helpless country to the dominions of Japan.

In Manchuria, no sooner had the war been concluded than complaints began to come, chiefly from commercial sources, of discrimination on the part of the Japanese against the nationals of other countries. These complaints increased in volume, were taken up by pub-

[1] And, now, the agreements of May 25, 1915.

licists and consular officials, and for several years kept Japanese apologists, and at times the Japanese government, busy with denials and explanations. It was more than once acknowledged by responsible Japanese officials that objectionable methods had been pursued by some of their countrymen in the early days of the new Japanese influx. There is no question but that the Japanese government did actually put a stop to some of these practices; and ultimately it became the Japanese policy and habit to assert categorically that no practices infringing the principle of equality of opportunity any longer existed. Most recently we have had the repeated assertions of Count Okuma that Japan has not violated, is not violating, and does not intend to violate the principles of the open door policy in Manchuria —or in any other part of China.

Is there, then, nothing in the contentions of those who maintain that Japan in her activities in Manchuria has failed to live up to her pledges and has infringed the rights of other nations?

The Japanese had formerly been loud in their complaints of German policy in Shantung and Russian policy in Manchuria. They objected to both because both, they said, violated the open door. Now themselves complained of, as their new policies unfolded, they cited German and Russian precedents as justification for what they were doing. Justification or no justification, by appeal to these precedents the Japanese were unwittingly accusing themselves of deliberately violating the open door.

Accusation and self-accusation, affirmation and denial, argument and difference of opinion aside, there are certain facts of which no denial can be made. Their bearing upon the question of the *rights* of Japan

and those of other nations may be a matter of controversy.

It is a fact that Japan, introducing as the legal evidence and justification of her right to do so provisions of the secret protocols annexed to the Komura Treaty, prevented the building, by British firms and with British money, for the Chinese government, of the proposed Hsinmintun-Fakumen extension of the North China Railway. Russia had declared in the Portsmouth Treaty—when transferring her rights to Japan—that she had "no special privileges in Manchuria." In the same treaty the two countries had pledged themselves "not to obstruct any general measures common to all countries which China may take for the development of the commerce and industry of Manchuria." It follows that a secret treaty provision in which China undertook, upon Japan's demand, "not to construct any railway lines parallel to and competing with the South Manchuria Railway," amounted to the establishing in Japan's favor of a new and special privilege. This diminished China's freedom of action; it was therefore an immediate violation of the pledge made to Russia; it was contrary to principles set forth in the Anglo-Japanese agreement of 1905; and it carried the implication of an intention to close the door in South Manchuria against railway enterprise in other than Japanese hands. There appears in the original agreement by which China authorized the building by Russia of the South Manchuria extension of the railway a clause (Article IX) which says: "This railway concession is never to be . . . allowed to interfere with Chinese authority or interests."

When it had become evident that the Fakumen Railway scheme would not receive the support of the British government and would have to be given up, a project

was developed by American, British, and Chinese interests for the construction of a Chinese government line from Chinchou to Aigun. The plan was approved by the Chinese government and had the support of the American government. It is generally understood that the British government when first approached on this subject gave its approval, and that it tentatively favored the project until Japan and Russia finally signified their disapproval. The matter was disposed of by the Russians, who vetoed the scheme absolutely on the ground that it would be a menace to Russian commercial and economic interests. In blocking this project Russia had the backing of Japan. Whatever the rights of Russia and Japan, the rights and interests of China received no consideration; and the Chinese government, American capital, and British engineers were forbidden to construct on Chinese soil a railway which would have been to the advantage of all three and greatly to the advantage of Manchuria.

While the negotiations for the building of the Chinchou-Aigun Railway were in progress, Mr. Knox, then Secretary of State, resolved to submit to the consideration of the powers his scheme for the neutralization of the railways, both existing and to be built, in Manchuria. Mr. Knox's plan contemplated rendering Manchuria a neutral area, as far, at least, as railways and commercial facilities were concerned, wherein all powers should have and be guaranteed as nearly as possible equal opportunities. What he actually proposed was that the powers, including Russia and Japan, should together loan China the money which would be necessary to purchase the interests of Japan and Russia and to construct further railway lines in Manchuria. All these lines were to be the property of the Chinese gov-

ernment; but their administration was to be, for the time being, at least, under some sort of an international commission.

It has been understood that Secretary Knox's memorandum received the tentative approval of the British and the German governments. At St. Petersburg its contents were made public, and it at once became everything from a red flag to a football for the Russian and the Japanese press. The Russian and the Japanese governments promptly announced their disapproval of the scheme, and they followed this action a few months later (July, 1910) with a convention looking to the mutual safeguarding of their common and their respective interests in Manchuria. Marquis Komura, then Foreign Minister in Japan, expressed the attitude of his government in a speech in the Diet in the course of which he said: " . . . In the regions affected in South Manchuria there have grown up numerous undertakings which have been promoted in the belief that the railway would remain in our possession, and the Imperial Government could not . . . agree to abandon the railway."

What, at bottom, is the principle of the open door and equal opportunity? Does it not imply, is it not practically synonymous with, the idea of commercial neutralization? Whatever the merit of Mr. Knox's proposal, whatever his motives in presenting it, the prompt and summary rejection of the neutralization scheme demonstrated that Russia and Japan did not intend to allow any meddling with what they considered their special privileges and assumed as their rights in Manchuria. More than that, it showed that they were united in their determination to keep other nations out.

While the exclusion of Chinese and of other foreign interests from Manchuria was being effected, Japan went ahead with railway and other construction of her own. She completed her title to the branch line from Tashichao to Newchwang. At the point of the bayonet she forced China to allow her to build the new Antung-Mukden line. She furnished China half the capital for the completion of the Hsinmintun-Mukden line and for the Kirin-Changchun line, securing the pledge in connection with the latter that, if it were to be extended, application for assistance should be made to the South Manchuria Railway Company. The agreements are such that all these lines are virtually in pawn to the Japanese government. In course of time the control of the South Manchuria lines was vested in the Japanese Ministry of Communications. The Japanese also secured complete control of the working of the Fushun Mines (near Mukden)—the greatest coal mines in all the Far East—and virtual control of the Yalu River timber concessions.

Along with these developments, Japanese officialdom, from its base in the Leased Territory and through the consulates and the Railway Company, went on effectively consolidating and extending its influence. The result is that the Japanese authority has become practically absolute, not alone in the Leased Territory and along the Railway Zone, but, indirectly, throughout all of Southeastern Manchuria; for, while the Chinese administration still functions, the Chinese officials submit to the exercise of a veto power by the Japanese which renders Japan for practical purposes the final authority in determining issues of importance.

2. ADMINISTRATION AND COMMERCIAL POLICIES

Turning now to certain manifestations of Japanese policy which are less of an official nature but which cannot be dissociated from official responsibility: after the war the Japanese military authorities remained in control of South Manchuria for a period of eighteen months. Japanese were on the ground, in numbers and in force; they had occupied the country; they owned the railways; their ships had been the only ones, with the exception of blockade runners, which for several months had been entering South Manchurian ports—other than Newchwang. Naturally, Japanese traders got the first chance.[1] The Japanese government began at once a systematic policy of encouraging Japanese immigration and Japanese business. Up to August, 1906, special obstacles were put in the way of other foreigners wishing to enter South Manchuria, while Japanese were allowed entry in large numbers. The result was that Japanese subjects and Japanese shipping and trading companies secured at once a temporary monopoly of the Manchurian export trade. The shipping companies, the South Manchuria Railway, the Mitsui Bussan Kaisha, and the Yokohama Specie Bank—with all of which the Japanese government is financially allied—became the great instruments for the consolidation of the position of the Japanese immigrants. Special rates by sea and on the railway, special facilities for the handling of goods, and special rates of interest on loans were extended to Japanese.

The establishing of foreign consulates, authorized by the treaties of 1903 with China, was delayed until the fall of 1906. Arrangements for the operation of the

[1] The same thing occurred after the capture of Tsingtao in 1914.

Chinese Customs Office at Dairen were not made until April, 1907; and after that office was opened it was put in charge of a commissioner of Japanese nationality. It was later charged that for a considerable period Japanese goods were allowed to pass northward from the Leased Territory without paying the customs duties. It has never been possible to prove this contention absolutely; but the practically unanimous opinion of foreign merchants, foreign consuls, and foreign journalists who investigated at first hand, together with the circumstantial evidence of statistics of the Chinese Customs Reports, stand in support of the charge.

That the tariff of the South Manchuria Railway did and does discriminate against the port of Newchwang in favor of Dairen no one denies. That there was inaugurated a system of rebates of which, in the nature of things, only Japanese could take advantage, and that, in view of the volume of complaint against it, the Japanese government abolished this system in September, 1909, is a matter of common knowledge. That the Railway and the Yokohama Specie Bank have devised a system for handling the produce of the country which brings practically all of the bean business into their hands—a system which is to their credit and to the advantage of the Manchurian farmers—has been pointed to as another instance of the governmental participation in a field of activity which is usually left to private enterprise. That the Japanese banks advance money at unusually low rates of interest has occasioned adverse comment—a criticism which would not be warranted but for the facts that a distinction is made in favor of Japanese borrowers and that the Japanese government gives the banks special assistance which makes it possible for them to carry on business in this way.

None of these methods of doing business can be declared to be a *direct* violation of the principles of the open door. They do, however, constitute an indirect interference—on the part of the Japanese government—with the natural course of equality of opportunity.

Now to turn to an instance or two of practices whose effect is more direct: Before the war the tobacco trade in Manchuria was largely in the hands of the British-American Tobacco Company. When the Japanese government compelled the company to sell to it its factories in Japan, the company began the erection of factories in China. The Japanese Government Tobacco Monopoly soon became a serious competitor of the British-American company, particularly in Manchuria. After the war, artificial obstacles were placed in the way of the business of the latter. For instance, the return of its agents was delayed; the hawkers of its products were interfered with in the Railway Zone; and the trademarks of the company were imitated.

More serious than this, however, when the Chinese in 1906 increased the production tax on tobacco products sold in Manchuria, the Japanese at first refused to pay the tax and later represented that they were compounding it in lump sums by private arrangement with the Chinese officials. When the British-American company established its large factory in Mukden, the management entered into negotiations with the Chinese officials with regard to the tax which should be levied on the product of the factory, and an agreement satisfactory to both sides was arrived at. From the outset the factory management has kept the Chinese authorities notified as to the amount of their output—for the purpose of the tax record. Soon after the building of the

British-American factory the Japanese Government Tobacco Monopoly built a factory at Newchwang. This factory distributed its goods without paying any production tax. The manager of the British-American company repeatedly called the attention of the Chinese officials to this fact, and the latter took the matter up with the Japanese authorities. The Japanese set forth various contentions as reasons why they should not pay, never categorically saying that they would *not* pay but always "referring the matter to Peking" and otherwise deferring a settlement.

As to another tax, the consumption tax on tobacco, the Japanese agents and shopkeepers—who handle the Japanese product exclusively—have refused outright to pay this and have in some instances even threatened the Chinese tax collectors who have tried to collect it from them; while the Chinese merchants handling the British-American product have submitted, as they should, to the collection of the tax. In their refusal to pay this tax, the Japanese shopkeepers have regularly had the backing and protection of their consular officials.

It has been the not infrequent practice of the agents of the Mitsui Bussan Kaisha, the largest importing and exporting firm operating in Manchuria, to compound the taxes and secure certificates from the Chinese officials that all taxes on certain lots of goods have been paid. These certificates are then handed down to the Chinese merchants who purchase the goods, and they serve to protect them against any further descents of the tax collectors. By this system not only is the cost to the Chinese merchant per unit of the Japanese goods reduced, but the handling of these goods is made attractive to him because the possession of the tax certificate, with the protection of the Mitsui Company, relieves him

from the fear of conflicts with the local taxation officers which are otherwise inevitable.

All these practices inevitably establish inequalities in favor of Japanese products and Japanese traders.

Private observation aside, that the era of officially fostered, special opportunity for the Japanese subject has not passed is testified to unequivocally in the latest American Consular Reports from Mukden. In the course of the 1914 report of the Consul-General at Mukden, published in the United States Commerce Reports, February 20, 1915,[1] appear the following notes:

> The only bank in Mukden doing foreign business is the Yokohama Specie Bank. . . . A general preference is given to Japanese merchants and traders. Rates for advances on cargo expected are as follows: Japanese, seven per cent.; foreigners, eight per cent.; Chinese, ten per cent.
>
> In selling their products, the Japanese have been favored by cheap home labor, government subsidies, special railway rates, preferential customs treatment and exemption from internal taxation. . . . The main-spring of all Japanese influence in Manchuria is the South Manchurian Railway Company, a semi-government concern, which is lavishly expending money on its railway property and in the numerous Japanese settlements, constructing administration buildings, schools, colleges, hospitals, hotels, developing houses, and various works connected with founding towns on modern lines. . . .
>
> . . . All imports for and exports from South Manchuria via Dairen (Dalny) or Antung must be handled by the South Manchuria Railway.

3. ADMINISTRATION AND COLONIZATION

The Japanese actually administer in Manchuria the Leased Territory, including an area of 1,303 square

[1] Report of Consul-General P. S. Heintzleman, December 21, 1914.

miles, and the Railway Zone, embracing an area of 70.54 miles. In the former are the important cities of Dairen and Port Arthur; in the latter are some fifty-five railway stations, at most of which the Japanese have settlements. There were in the Leased Territory at the end of 1912 some 456,000 Chinese and 45,000 Japanese; in the railway settlements some 28,000 Chinese and 25,500 Japanese. There were also about 10,000 Japanese living in the Chinese "treaty ports" in Manchuria; and an exhaustive comparison of various sets of Japanese statistics leaves it to be inferred that somewhere between 2,000 and 5,000 Japanese were living in the Interior.[1] There were, in addition to this, some 250,000 Koreans in Manchuria, most of whom remained Japanese subjects; of this number a great many had come since the annexation of Korea by Japan in 1910, and the immigration from Korea was on the increase. Although there are twenty-five open ports in Manchuria, while the whole of the Leased Territory and the Railway Zone also offer places of residence and business, a certain number of Japanese have insisted, as indicated above, on establishing themselves at points outside. All this outer region is technically spoken of as the "Interior," and the provisions of China's treaties have not allowed foreigners to reside or trade in the Interior.

This penetration of the Interior, and the unauthorized opening of shops in remote towns by these commercial pioneers has been a matter of annoyance to the Chinese

[1] The latest available figures indicate that at the end of 1915 there were approximately 100,000 Japanese in all Manchuria. The figures for the past eight years show an average annual increase of almost 10 per cent. with a gradual relative falling off in the later years. There are now, therefore, more Japanese in Manchuria than there are foreigners of all other nationalities—including Russians—in all of China.

officials, especially on account of the numerous conflicts with the local Chinese and consequent controversies with the Japanese officials to which the practice gives rise. The *Manchuria Daily News*[1] prints every little while accounts of such conflicts, the blame always being laid upon the Chinese.

One of the chief causes for complaints made against Japanese methods both by the foreigners who live in Manchuria and by the Chinese, and perhaps foremost among the causes of personal clash and official controversy, has been the officiousness and brutality of the police and soldiers. The Japanese have full administrative control, including exclusive police jurisdiction, within the Railway Zone; at the same time they frequently and without hesitation encroach upon Chinese rights outside the Zone. Thus, for instance, Japanese soldiers pass freely under arms throughout the regions adjoining the Railway Zone, while Chinese police and soldiers are only on rare occasions and after obtaining express permission from the Japanese allowed to enter the Zone.

It is from the Japanese police, however, and from Chinese detectives in their employ, that trouble usually comes. A huge list could be made of instances which have been reported during the past ten years, and it is well known that a great many instances never attain publicity. The notorious incident which occurred at Changli, just outside of Manchuria and on undisputed Chinese soil, in September, 1913, was reported beyond the confines of the Far East. Here, as a result of a quarrel between a soldier of the Japanese railway guard and a Chinese fruit-vender, the former refusing to pay the latter for wares he was consuming, Japanese guards

[1] A Japanese semi-official organ printed in English at Dairen.

set upon and killed five Chinese policemen. The investigation which followed showed that the Japanese were clearly the aggressors and had acted with wanton brutality.

It is not to be inferred that the higher Japanese officials encourage these things; but it cannot be denied that they tolerate them, while their regular defense of their subordinates when the incidents occur amounts to an indirect countenancing of the attitude of contemptuous superiority which the latter invariably assume in their dealings with the Chinese.

Japanese colonization of Manchuria has not proceeded as rapidly as the Japanese government had hoped. The vast, wind-swept plains, fertile though they are, do not seem to attract the Japanese farmer. From the indications of ten years' experience, it would seem that if Manchuria passes into the possession of Japan it will serve the purposes of an exploitation rather than of a settlement colony. When, however, we turn to the question of Korean immigration, we find a difference. We discover that, simultaneously with a considerable influx of Japanese into Korea, there is occurring a considerable exodus of Koreans, who, selling their property to the Japanese, leave their native land, cross the Yalu, and settle in South Manchuria. The Japanese government is officially encouraging this movement. At the same time, whereas it was formerly a common practice among the Korean immigrants in Manchuria to become naturalized as Chinese subjects, the Japanese authorities are now putting all possible obstacles in the way of their doing this. Naturally, the Japanese policy in this matter is based upon two principles: that Manchuria shall be colonized by Japanese subjects, and that Japan shall retain the allegiance of

these emigrating and colonizing subjects. It might be added, also, that the idea is to be encouraged that South Manchuria is a projection of Japanese territory. These Korean farmers become real settlement colonists and contribute materially to the consolidation of the Japanese political hold upon the regions in which they establish themselves; at the same time their extraterritorial status as Japanese nationals has contributed to the complication of the political situation. Thanks to their presence to the number of about 250,000, Japan can point out that she has the interests of some 350,000 of her subjects resident in Manchuria to look after.

While strategically and politically Manchuria presents problems for each of the three countries whose territories converge on its borders, when considered as a field for colonization its importance commands more specifically the attention of China and Japan. Told, as we have been over and over, that Japan must have an outlet for her excess population and that Manchuria is the natural outlet, it is well to bear in mind that *China also has a crowded population* and that in the new condition in which the awakening Chinese people find themselves a movement toward the relief of the present congested conditions is bound to manifest itself in an attempt at redistribution. This will mean pressure outward. Manchuria is a natural outlet for the excess of China's population more truly than for that of Japan; and, as far as *rights* to this open field are concerned, China has the better claim. The pressure of excess population seeking an emigration outlet will probably be greater from China than from Japan—for there are 400,000,000[1] Chinese as compared with 70,000,000 Jap-

[1] Estimates run all the way from 325,000,000 to 450,000,000.

anese and Koreans, and the former are no less adept at "replenishing the earth" than are the latter.

Manchuria has an area of 363,700 square miles, a part of this area being immensely fertile, other portions being rich in timber and in mineral resources. Experts are agreed in the estimate that this region is capable of supporting a population of 100,000,000. The population today numbers perhaps 17,500,000 persons. Of these about 17,000,000 are Chinese subjects, some 13,000,000 of them being of Chinese and perhaps as many as 4,000,000 of Manchu race; 250,000 are Koreans; about 100,000 are Japanese; and about 50,000 are Russians. To enter Manchuria the Chinese have but to step through the breach in the Great Wall at Shan-hai-kwan or to sail across the ninety miles of water between the Shantung Peninsula and the Liaotung Peninsula. As many Chinese farm hands come and go between Chili and Shantung Provinces and Manchuria each year as there are Japanese in South Manchuria after ten years of occupation. What people, then, would it seem, have the best natural right to Manchuria; and what people, if events are left to their natural course, will settle this great potential outlet for excess population?

Though Japan takes South Manchuria, and whether she leaves it open to Chinese immigration or whether she closes it, her occupation will *not* settle the question of population pressure; nor will it settle finally the question of political domination. Still less will it insure the peace of the Far East.

4. ADMINISTRATION AND CONSTRUCTIVE DEVELOPMENTS

No account of Japanese activity in South Manchuria would be complete or do justice which failed to describe

and pay tribute to the material successes which the conquerors have achieved—through an efficient administration—in the fields of industrial and commercial development.

When Russia began her forward move in Manchuria, she leased the Liaotung Peninsula for a period of twenty-five years. The lease which passed to Japan would, therefore, expire in 1923, but it was subject to renewal. The railway agreements provided that China should have the right to buy the lines at the end of thirty-six years from 1903—which would be in 1939—or to secure the reversion, without payment, at the end of eighty years—or in 1983. [1]

The administration of the Leased Territory and the Zone is subject to the Ministry of Foreign Affairs at Tokyo and is in the hands of a Governor-General with official headquarters at Port Arthur. The railway, which is now a government enterprise, is controlled by the Ministry of Communications in Tokyo. The Governor-General must be an officer of the Imperial army, and he has powers which not only include the administration of civil affairs and control of the railway guards but extend into the diplomatic sphere for purposes of negotiation with the Chinese authorities.

A large share of the expense of the government of the Leased Territory, running to about 5,000,000 yen per annum, has been borne by the Imperial exchequer.

The most conspicuous evidences of Japanese constructive efficiency in Manchuria are to be found in the improving of the railways, the building of cities, and the developing of mining and commercial enterprises.

First of all come the railways. Japan inherited from Russia about five hundred miles of track and equipment,

[1] But see Chapter XVII.

including the main line from Changchung to Dairen and branch lines to Port Arthur, to the Fushun Mines, and to Newchwang. She has subsequently built the line from Antung—on the Yalu River—to Mukden, thus linking the Korean frontier with central Manchuria and establishing a direct line of communication between Japan and Europe. She has also participated in building the branch line from Changchun to Kirin, which she expects to extend to Hoiryong on the North Korean coast.

The Japanese government controls the lines, though the actual administration is in the hands of the South Manchuria Railway Company. When the Company was organized it was authorized to engage in railway business, mining, marine transportation, sale on consignment of goods shipped, warehousing, administration of land and construction on lands belonging to the railway, and supplementary enterprises; to make necessary provisions for education, health, and engineering works within the Railway Zone; and to collect fees (that is, taxes) from residents in the Zone. In short, the Railway Company has been, except in military affairs, the government of the Railway Zone, and it has in addition been the greatest factor in the economic life and development of the Leased Territory.

The South Manchuria Railway Company has done a truly remarkable work. The railway is one of the best managed, to outward appearance at least, and best equipped in the Far East. Projecting Japan's political authority along a narrow line from a triangular base up into the center of Manchuria, the company has acted in most of the capacities of a colonial administration. It owns harbors and mines; it has built cities, towns, and settlements, and has installed in them various public

works—even to parks and summer resorts; it has installed factories, gas, electric light and waterworks, telegraph, telephone, and tramway systems. It superintends immigration, builds hotels, hospitals, schools, and laboratories; it conducts a loan business—in connection with which it has made several loans to the Chinese for joint railway enterprises.

Money has been lavished on the equipment.[1] One of the criticisms of the railway has been that the equipment is above the standard for which the traffic calls, the implication being that Japan planned deliberately to make the valuation of her holdings so high that China could not, when the time should come, afford to buy out these interests.

The direct result of the investment is that the railway furnishes excellent facilities for both freight and passenger traffic. The various enterprises of the company have contributed wonderfully to the prosperity of South Manchuria, have improved the export trade in the great Manchurian staple—beans—and have facilitated the building up of a huge import trade, from all of which the profits have accrued especially to Japan.

The Antung-Mukden line, one hundred and seventy miles long, is a beautiful piece of construction, representing great expense. Both as to roadbed and equipment it is far superior to the lines in Japan. Its completion brought Mukden within 1,582 miles, or less than three days' travel, of Tokyo. As soon as it had been finished the Japanese secured a reduction in the Chinese tariff rates in favor of goods imported by rail from south of the Yalu. This line, while affording a great convenience for passenger traffic, has appeared, so far,

[1] Much of this money was borrowed in Great Britain and spent in the United States.

more valuable as a strategic than as an economic instrument. Its commercial value is, however, increasing.

Persons who have occasion to use both the Chinese and the Japanese railways in South Manchuria regularly give praise and preference to the latter. Goods are said to be safer and to be handled more expeditiously, and *likin* and "squeezes" are avoided on the Japanese lines. The tariffs are more dependable, and payments are made in gold yen or equivalents regularly listed at the stations.

The Fushun Mines, which the Russians had developed to some extent and of which the Japanese took control after some controversy with the Chinese, are a very valuable adjunct to the railway and other enterprises. Here there exists a single vein of coal varying in thickness from 80 to 175 feet, about ten miles long and estimated to contain 800,000,000 tons of coal. The Japanese have installed the most up-to-date machinery and methods of mining and have brought the output up to over 3,000,000 tons per annum, which exceeds that of the best collieries of Japan. The coal is used throughout Manchuria, to some extent in Siberia, and is exported to Chinese ports, the Philippines, and even as far as Singapore and India. The mines employ a great number of Japanese skilled and Chinese unskilled laborers. About the pit mouths the Railway Company has built a model city. At Penshihu, nearer the Yalu, both coal and iron mines are being developed.

In coöperation with the Yokohama Specie Bank and the Mitsui Bussan Kaisha, which have established banking houses and a ramification of trading facilities throughout the region, the Railway Company has become the mainspring of the economic awakening of South Manchuria.

The most important cities in the Japanese sphere of influence are Dairen, Port Arthur, Newchwang, Antung, Liaoyang, Mukden, Tiehling, Changchun, Fushun, and Yentai. The city of Dairen had been laid out by the Russians, who invested many millions of roubles in town and harbor construction. The Japanese have continued to build upon the foundations laid by the Russians. Dairen now stands a beautiful and substantial city beside a thoroughly equipped harbor. Though a shipping and railway point, it has the appearance of neither. The port lies away from the city proper beyond a low promontory. The railway yards lie in a deep cut spanned by a handsome stone viaduct. The harbor is sheltered, and the docks have complete modern facilities. Vessels berth alongside granite docks, and railway trains run on the docks. Ample warehouses have been provided, and the bean mills are near at hand. The railway has extensive shops and has built a model town—a little apart from the city—for employees. The Chinese residential quarter is also away from the main city. There is an efficient tram system with more than twenty-five miles of track; and electric lights, waterworks, sewers, etc., have been installed as a matter of course.

The streets, laid out according to a geometrical plan, are wide, well surfaced and well kept. There is a first-class hotel, one of the Yamoto series—of which there are others at Port Arthur, Mukden, and Changchun, and in Korea, which contribute greatly to the comfort of both travelers and residents. The city is well equipped with modern hospitals. Upon a hill overlooking the residential quarters stands a "White City." Within easy reach by tram are extensive recreation grounds; and at a distance of four miles is a summer

resort, with hotel, bungalows, golf grounds, and beach bathing. Practically all the construction, together with the administration, is the work of the Railway Company.

Port Arthur has never had such attention from the Japanese as was given it by the Russians. It stands now as a naval and military depot, not a commercial city, though a portion of its harbor is open to the vessels of all nations.

At the other cities named above, with Japanese populations running from one to five thousand, as also at some of the fifty smaller settlements, the Railway Company has laid out town sites, built streets, installed sewers, electric lighting and telephone systems, erected numerous buildings and, in some cases, waterworks, hospitals, and schools. Japanese residents in the Zone are better provided for than are their countrymen at home. Subjects of every nationality are permitted to reside and carry on business in the Zone, subject to the rules and regulations laid down by the Railway Company.[1]

The settlements conduct schools, and to the schools Chinese pupils and students are admitted along with Japanese. At several important points there are hospitals. Provision is made for medical education and the training of nurses. Foreigners and Chinese, as well as Japanese, are given medical and dental treatment at these hospitals, and the fees charged are very low. The work which the Japanese, along with foreigners and Chinese, did in combating the great plague of 1910 is well known. Japanese and Chinese experts have since been constantly at work studying the causes and

[1] Mr. E. J. Harrison gives an excellent account of the administration and development of the Railway Zone, in his "Peace or War East of Baikal," pp. 248-282 *passim.*

methods of preventing local diseases, and methods of conserving the public health.

The Japanese have established a satisfactory telegraph and telephone system throughout the Zone and in the settlements and adjoining regions. They have also introduced Japanese post-offices. These services of course compete with the Chinese services; and they become instruments for diminishing the volume of the business of the latter.

All told, the Japanese investment in Manchuria has been enormous, and as a consequence the "vested interests" of which Japanese publicists and diplomats speak are a reality. Everything is built solidly and substantially, often unnecessarily so. In addition to industrial enterprises, there has been a heavy investment in government buildings. Consulates at Liaoyang, Mukden, Changchun, Newchwang, and other points have cost from 100,000 to 250,000 yen each. The consulate at Changchun is equipped with a dining-room capable of seating a hundred guests.

A large garrison is maintained at Port Arthur, and smaller garrisons and artillery divisions at a number of points, with railway guards throughout the Railway Zone.

The Japanese have without question efficiently developed their holdings, they have greatly increased the trade of South Manchuria, and they have established facilities which are appreciated by every foreigner and enlightened Chinese. Their progressive commercial and industrial activity, their insistence upon building well, their application of modern methods and principles, their regard for sanitation and health measures, and the success which attends their efforts stand as a constant object lesson to the Chinese. They also illustrate, in-

cidentally, what a benevolently disposed, paternalistic government can do to advance the interests of its subjects.

Still, Japan appears to have directed her energies in Manchuria much more effectively in the fields of commercial and industrial development than toward the solution of the problem of accommodating her excess population, and she has certainly not sought to improve the political condition of the Chinese. The Japanese look down upon the Chinese and are disposed to regard them as natural burden bearers, the "hewers of wood and drawers of water," to whom the Japanese should, in the nature of things, stand in the relation of directors and overlords. Reference has been made above to the brutality of the Japanese petty officials and guards in dealing with the Chinese. It is in this connection in particular that the Japanese domination is—as in Formosa and in Korea—unsatisfactory.

Japan did not, in Korea, help the Koreans to help themselves. She has not, so far, in Manchuria shown an inclination to coöperate with the Chinese in such a way as to render the administrative problems of the latter simpler, to train them in efficiency, to make them better able to do things for themselves. Where there comes a conflict of ideas, arbitration and compromise are not the order of the day; the Japanese will and the Japanese way must prevail. Compulsion takes precedence over persuasion. Obstacles are placed in the way of the efforts of the Chinese police to deal with various classes of disturbers, and then complaint is made because the disturbances continue. Japanese traders are known to supply arms to Chinese desperadoes and outlaws, though it is unlawful to import arms into China except to private order and with a permit signed by a

consul of the importer's nationality. Whenever Japanese and Chinese subjects become party to private controversies of such nature as to come to official attention, the chances are that in the settlement the Chinese will get the worst of it.

If Japan wishes to convince the Chinese and the world that her presence and her activities on the mainland are for the good of the world, that she is seeking to promote the welfare of the Chinese along with her own interests, and that she is sincerely concerned with the problem of establishing and maintaining the peace of the Far East, it will be necessary not only that she continue her course of excellent, material, constructive effort, but that she put a check upon various practices which are unfair to the subjects of other nations, put an end to various abuses which have so far characterized her diplomatic and political dealings with China, and demonstrate in her treatment of the Chinese, by a policy of coöperation and helpfulness, that she is disposed to be and is capable of becoming a moral as well as a material benefactor.

CONTEMPORARY RELATIONS: CHINA, JAPAN AND THE UNITED STATES

THE RECENT PAST AND THE PRESENT

CHAPTER XVI

JAPAN AND GERMANY: THE PEACE OF THE FAR EAST

When in July, 1914, the war broke out in Europe, China was in no sense directly interested, and at the first opportunity she declared her neutrality. To Japan, however, the fact that England, her ally and commercial competitor, Russia, her partner and political competitor, and Germany, a commercial competitor, were at war was a matter of vital and immediate interest. England, Germany, and France all had naval bases on the China coast, all had possessions and commerce in the Pacific. Russia also had her naval base, and all four powers had fleets of greater or less strength in the Pacific. Hostilities of some sort were bound to occur in the Far East, and somebody's trade, shipping, and territorial possessions were certain to be objects of attack.

As an ally of Great Britain, Japan had, in the agreements of 1902, 1905, and 1911, made certain promises. By these and her agreements with France, Russia, and the United States she was pledged to the maintenance of the *status quo* in the Far East. The agreement with England went further: in it Great Britain and Japan had undertaken each to protect the interests of the other if those interests were threatened by a third power. Now Germany had a well fortified naval and military base, with about 3,000 soldiers and a small but powerful fleet, at Kiaochow. There was also an Austrian crui-

ser in Far Eastern waters. But Great Britain had more troops in the Far East than had Germany; Russia had a garrison of 80,000 men at Vladivostok; Great Britain, France, and Russia had sufficient naval strength in the Pacific to outmatch the German strength. Kiaochow and the German fleet could have been successfully dealt with by the European Allies, though until dealt with the fleet did in some sense constitute a menace to their shipping. To Japan, however, here was a great, an unprecedented opportunity.

There is doubt as to how far the British government asked for Japan's assistance. It has been affirmed on good authority that it endeavored at first to dissuade Japan from taking the offensive against Germany's possessions in the Far East. Whatever the facts in that connection, Count Okuma's government, which had taken office four months before on a platform of peace and retrenchment, on August 15 addressed the German government in the following terms:

Considering it highly important and necessary in the present situation to take measures to remove the causes of all disturbances of peace in the Far East and to safeguard the general interest contemplated by the agreement of alliance between Japan and Great Britain in order to secure a firm and enduring peace in Eastern Asia, the establishment of which is the aim of the said agreement, the Imperial Japanese Government sincerely believe it their duty to give advice to the Imperial German Government to carry out the following two propositions: First, to withdraw immediately from Japanese and Chinese waters German men-of-war and armed vessels of all kinds and to disarm at once those which cannot be so withdrawn; and Second, to deliver on a date not later than September 15 to the Imperial Japanese authorities, without condition or compensation, the entire leased territory of Kiaochow with a view

to the eventual restoration of the same to China. The Imperial Japanese Government announce at the same time that in the event of their not receiving by noon, August 23, 1914, the answer of the German Imperial Government signifying unconditional acceptance of the above advice offered by the Imperial Japanese Government, they will be compelled to take such action as they may deem necessary to meet the situation.

The language in which this ultimatum was couched is an ironical reminder of that in which Germany had in 1895 addressed Japan when suggesting, along with Russia and France, that she restore South Manchuria to China. There was no question of Germany's accepting Japan's "advice." It is understood that Germany had already been considering the possibility of "interning" Kiaochow, that is, of handing it over to China for the period of the war, thus removing it from the field of possible hostilities. Whether that was the case or not, the Japanese interference rendered such action impossible.

Germany made no reply to Japan. She acted, however, immediately, on the suggestion that she withdraw her fleet—and her battleships, thus forced from Kiaochow, soon gave an account of themselves, disconcerting to the enemy, in the destruction of British shipping.

On August 23 the Emperor of Japan, in declaring war on Germany, said:

. . . Since the outbreak of the present war in Europe, the calamitous effect of which we view with grave concern, we on our part have entertained hopes of preserving the peace of the Far East by the maintenance of strict neutrality, but the action of Germany has at length compelled Great Britain, our ally, to open hostilities against that country, and Germany is at Kiaochow, its leased territory in China, busy with warlike prepara-

tions, while its armed vessels cruising the seas of Eastern Asia are threatening our commerce and that of our ally. The peace of the Far East is thus in jeopardy.

Accordingly our Government and that of his Britannic Majesty, after full and frank communication with each other, agreed to take such measures as may be necessary for the protection of the general interests contemplated in the Agreement of Alliance. . . . It is with profound regret that we, in spite of our ardent devotion to the cause of peace, are thus compelled to declare war. . . .

Anticipating anxiety in certain quarters, and alive to the advantages of cultivating a favorable public opinion through the powerful instrumentality of inspired publicity, Count Okuma cabled for publication in the United States:

Japan's proximity to China breeds many absurd rumors, but I declare that Japan acts with a clear conscience, in conformity with justice, and in perfect accord with her ally. Japan has no territorial ambition, and hopes to stand as the protector of peace in the Orient.

On August 20, Baron Kato, the Japanese Minister of Foreign Affairs, said in a communication to Mr. Bryan, as United States Secretary of State:

. . . The history of the seizure of the place [Kiaochow] by Germany and her conduct preceding and including her intervention, in conjunction with Russia and France, after the China-Japanese War, show that it is absolutely necessary to eliminate such possession completely if Japan is to restore immediately complete peace in the Far East in accordance with the terms of the Anglo-Japanese alliance. If Japan is to look far enough into the future and adopt measures to insure an abiding peace in Eastern Asia she must realize that a strong

military base in the hands of a hostile military power right in the heart of the country cannot in itself fail to be a menacing factor.

On August 24, Count Okuma cabled to the New York *Independent* a "Message to the American People," in which he declared:

> . . . Every sense of loyalty and honor obliges Japan to cooperate with Great Britain to clear from these waters the enemies who in the past, the present and the future menace her interests, her trade, her shipping, and her people's lives.
>
> This Far Eastern situation is not of our seeking . . .
>
> *As Premier of Japan, I have stated and now again state to the people of America and of the world that Japan has no ulterior motive, no desire to secure more territory, no thought of depriving China or other peoples of anything which they now possess.*[1]
>
> My Government and my people have given their word and their pledge, which will be as honorably kept as Japan always keeps her promises.

It will have been noticed that in the ultimatum to Germany the Japanese government had demanded that Germany turn Kiaochow over to Japan "with a view to the eventual restoration of the same to China." After Japan had by force secured possession of Kiaochow the Japanese took the position that the fact of Germany's failure peacefully to give up the territory, thereby necessitating Japan's resort to arms, released Japan from any implication of a promise to turn Kiaochow over to China. On November 7, Mr. Suzuki, the Vice-Minister of the Navy, gave a statement to the press in Tokyo saying: "While the European war continues

[1] Italics by S. K. H.

Tsingtao will be administered by Japan. At the conclusion of the war Japan will open negotiations with China." In December Baron Kato declared in the Diet that Japan had made "no promise whatever with regard to the ultimate disposition of what she had acquired in Shantung." In the ultimatum which Japan delivered to China later, on May 7, 1915, the Japanese government declared:

> The Imperial Japanese Government, in taking [Kiaochow] made immense sacrifices in blood and money. Therefore after taking the place, there is not the least obligation on the Imperial Japanese Government's part to return the place to China. . . .

Since then the Japanese government has agreed to restore Kiaochow to China—under specified conditions—after the end of the European War; but in the interval everything possible is being done not only to eliminate all signs of German possession and influence from Shantung, but, further, to replace them with Japanese institutions and enterprises.

In the prosecution of the military operations against Kiaochow the Japanese landed their forces at a port on the northern coast of Shantung nearly one hundred miles away and used the intervening Chinese soil as a base of operations. There was no suggestion of a "by your leave" to the Chinese government; no consideration was shown either for China's rights as a neutral or for the persons and property of the Chinese subjects who were so unfortunate as to live along the line of march and in the zone of operations. The Chinese government protested against the violation of its sovereign rights but made no resistance, and then, following the precedent set in the Russo-Japanese War, voluntarily

declared the area within which the Japanese had begun to carry on their operations a war zone. Before long, however, the Japanese sent military forces westward, first to Weihsien, which was outside the war zone, and then on to Tsinanfu, the capital of Shantung, thus occupying the whole of the line of railway to the capital. As Tsinanfu is 256 miles from Kiaochow, and as all the Germans who could have anything to do with the war were shut up in Kiaochow, anyone with a little knowledge of Shantung Province and of the conditions of the war will realize that the occupation of Weihsien and points west was not at all necessary to the reduction of Kiaochow and the destruction of the German military base. Observers who were familiar with the history of Manchuria now began to point out that Japan was bent upon much bigger things than merely the defense of the interests of her ally and the peace of the Far East.

Soon the Japanese naval and military forces, the latter aided by a British contingent of about a thousand men, had invested Tsingtao. The British troops were subject to the orders of the Japanese commander-in-chief. On November 7, General Kamio received the capitulation of the German garrison—thus completing the physical control by the allied forces of all that had been German in Shantung Province. The administration was taken in hand by the Japanese, and in the negotiations which have ensued there has been nothing to indicate that the British ever had anything to do with the matter.

It was, of course, necessary that Tsingtao should remain for some time a closed port and under military control. But a Japanese line of steamers was immediately granted permission to use the port, while no

other vessels, not even British, were allowed to enter until several weeks had elapsed.

In the interval the question of reopening the Maritime Customs office arose, and in their handling of this matter the Japanese officials promptly made it evident that, whatever Japan's motives two months earlier when entering the war, she intended now to play a rôle of her own choosing.

It will be remembered that the post of Inspector-General in the Chinese Maritime Customs service is, in accordance with an agreement between China and Great Britain, filled by a British subject. When, after the Germans were given the lease of Kiaochow Bay, the Chinese Maritime Customs office was established at Tsingtao, an agreement was made between the Chinese and the German governments, in which it was provided that: the Commissioner of Maritime Customs at Tsingtao should be a German; in case of the appointing of a new commissioner an understanding should be reached between the Inspector-General of the Chinese Customs and the German Legation at Peking; the members of the European staff of the Customs at Tsingtao should as a rule be of German nationality; and the Inspector-General of the Chinese Customs should inform the Governor of Kiaochow beforehand about all proposed changes in the staff at Tsingtao. In other words, the Chinese Customs administration was by this agreement to have control of the Tsingtao Customs, subject to the limitations prescribed.

When Japan ousted the Germans, everyone had a right to suppose, inasmuch as Count Okuma had already declared that Japan had no thought of taking from any third country anything which it already possessed, that Japan would at most expect to succeed to

rights and privileges in Shantung not greater than those which the Germans had possessed. There had also been the intimation that Japan contemplated the restoration of Kiaochow to China. At any rate, from the legal point of view she had no right to anything more than the substitution of "Japan" and "Japanese" for "Germany" and "Germans" in the treaties and agreements. The German officials of the Chinese Customs staff at Tsingtao having of course been removed from their posts, the Chinese government, through the Inspector-General of the Chinese Customs, nominated the Commissioner then at Mukden, a British subject, for the commissionership at Tsingtao. The Japanese objected. China then proposed a Japanese who was at the time Commissioner at Soochow, with a British subject as Deputy Commissioner. Again Japan objected. China then proposed to have a Japanese commissioner, with a staff half Japanese and half British, and nominated a Japanese, then Commissioner at Dairen. Still Japan objected. The Japanese contended that the only satisfactory solution would be for the Japanese government to appoint a Japanese commissioner and a full Japanese staff. To understand the significance of this it must be remembered that the Chinese customs revenue is hypothecated to the service of the Boxer indemnity—which is a debt to the powers; that Kiaochow, though in German occupation, has been Chinese territory; that the customs revenue from there went—after deducting twenty per cent. for local purposes—into the Chinese treasury; that the Chinese Customs service is internationally recruited; and that positions in the Customs service have been held by a regular process of entrance and promotion.

Hence the Japanese demands meant either the estab-

lishing of a separate Japanese Customs régime on Chinese soil, with the subtraction of the Tsingtao revenues from the Chinese revenues—thus involving an invasion of China's sovereignty and a detriment to the financial rights of the powers; or an infraction, in favor of Japanese subjects, of the rules and system of the Chinese Customs service, placing Japanese by appointment, and without the authority of the Inspector-General, over the heads of other foreigners who, being already in the service, had precedent rights to promotion.

The Inspector-General, a subject of Japan's ally, of course resisted these Japanese pretensions. Finally the Japanese proposed that all the posts in the staff at Tsingtao should be filled by Japanese already in the Chinese Customs service and the places vacated by the latter be filled by newly appointed Japanese. The Inspector-General took the position that this course could be followed only in part; that any Japanese who came newly into the Chinese Customs service must enter the lowest ranks, as do all other foreigners, and gain promotion according to the rules of the service.

For several months the settlement of this question was deferred while the negotiations over the twenty-one demands of January, 1915, were in progress. In July it was taken up again, and finally on August 5, 1915, an agreement was signed between the Inspector-General and the Japanese Minister. The new situation and various considerations had in the interval effected a modification in Japan's attitude. The agreement provides:

> First, that the Chinese Maritime Customs shall resume its functions at Tsingtao; secondly, that business shall be conducted, pending a settlement of Tsingtao affairs after the war,

in accordance with the arrangements made with Germany, except that Japanese officials shall be employed instead of Germans; thirdly, that the Japanese military government shall hand over the Customs property, archives, and funds, etc., acquired at the time of the occupation of Tsingtao; and fourthly, that the Japanese military government shall hand over the revenue collected since the occupation, less the proportion due to the local government in accordance with the arrangement made with Germany.

There is also an arrangement for increased Japanese representation in the Customs Service.[1]

A brief account of Germany's holdings in Shantung and of what she had made of her opportunity will serve both as an inventory of what Japan has acquired there and as a commentary upon the justification which the Japanese offer for the eviction of the Germans.

The territory leased to Germany in March, 1898, included the Bay of Kiaochow and its immediate environment, some 400 square miles in all, to be held and administered by Germany for 99 years. In the immediate hinterland a neutral zone involving some 2,500 square miles was established. Germany was given the right to build two lines of railway in the province and to open mines along the lines; also a guaranty that German capital, assistance, and materials should be sought first in case the Chinese chose to develop the province with foreign aid.

Within a few months the German government declared the Leased Territory a free port, open on equal terms to the trade of all nations; and a few months later, by agreement, a station of the Chinese Maritime Customs was opened at Tsingtao (the port) to collect duties on goods passing to or from the hinterland.

[1] *Far Eastern Review*, August, 1915, p. 100.

Intent upon making Tsingtao both a commercial and a naval base, the lessees set about the equipping of a first-class harbor. The bay offered magnificent anchorage; and Tsingtao was a natural port. Before long a substantial breakwater, granite docks—with complete equipment—and a floating dock capable of handling vessels of 16,000 tons displacement had been installed. At Tsingtao there soon appeared a modern German city, carefully planned, artistically and substantially built. Forts, shops, military departments, and well equipped barracks gave the character of a fortified base; but Kiaochow was never given the military equipment or aspects of a Port Arthur or a Vladivostok—as the comparative ease with which it was recently taken shows.

German-Chinese companies were organized and authorized by the German government to build the railway lines and to prospect for minerals and petroleum; and the first line of railway was built to Tsinanfu, the capital, reaching that city, two hundred and fifty-six miles inland, in 1904. An agreement was made with British interests concerned, whereby the Germans were to construct for the Chinese government that portion of the great north and south Tien-tsin-Pukow Line which would cross Shantung. Though constructed by British and German firms, the Tien-tsin-Pukow Railway is a Chinese government line, not British or German property.

At first the Germans appeared bent upon asserting themselves politically in Shantung. Practically everything in connection with the railway was kept in German hands. German guards were installed for the "protection" of the railway. A German post-office was established. Germany seemed to be following a policy similar to that which Russia had pursued in Manchuria.

But at the end of 1905 they began to withdraw their troops; they handed over their post-offices to the Chinese; they made an agreement whereby the Chinese Customs administration was to function at Tsingtao much as elsewhere in China—with the special provision that twenty per cent. of the duties collected be contributed toward the expenses of the local Tsingtao administration; and they began to employ Chinese in various capacities.

The Chinese government voluntarily opened areas at Tsinanfu, Weihsien and Choutsun as commercial posts. At Tsinanfu they laid out and built roads, drains, etc. —and undertook policing. Other public works were intrusted to and have been looked after by a combined Chinese and foreign commission. Before long the Tsinanfu settlement had become an important and attractive commercial and residential center wherein the Chinese and foreigners, the latter mostly German business men, have gotten on most agreeably and to mutual profit.

At Tsingtao and in its environs more than 60,000 meters of excellent roads were built. Systematic afforestation was undertaken both there and in the hinterland. Schools of all sorts were established, including a German High School with well equipped laboratories and library, and several faculties. For the support of the last mentioned, the German and the Chinese governments agreed to contribute together and equally, while China was given a share in the administration, this being the first instance in which there has been such a combination for the support and administration of an educational institution in China.

The population was, in 1913: at Tsingtao 60,500; in the Leased Territory 192,000; in the Zone 1,200,000.

Of these only 4,470 were Europeans, 3,806 being Germans—this figure including both civilians and soldiers.

It was declared in Berlin in 1903 that the government had already spent 50,000,000 marks on the new colony, and the expenditure seems to have averaged in the neighborhood of 14,000,000 marks per year ever since, an increasing proportion—but never more than half—of this being paid from the local revenues.

Although the railway proved a reasonably paying investment the Mining Company did not. In 1912 the latter was turning out 600,000 tons of coal and had in its employ 60 Germans and 7,000 Chinese, but it had never paid a dividend. Its interests were bought by the Railway Company, and in 1914 it was decided to build iron and steel works near Tsingtao.

In December, 1913, the Germans signed an agreement with the Chinese for the building of two new German-Chinese lines, one entirely and the other partly in Shantung, the latter to extend west beyond the borders of the province to join the Peking-Hankow line. Both were to be financed by German capital but to be Chinese owned. In having previously given up railway building rights which they possessed under the agreement of 1898, and in the terms which they now made China, the Germans gave evidence of having relinquished the last vestiges of an actively aggressive political policy, in favor of commercial coöperation.

Since the original seizure of Kiaochow the Germans had made no additional attempt to extend their territorial holdings or special privileges in China. They had not undertaken to extend their *administration* over Shantung—or even over the Railway Zone. The Shantung Railway Company had never attempted to assume a political status and perform political functions. The

German government had not sought to stretch the terms of the Convention of 1898. There had been no creating of issues and demanding of immediate settlement such as has characterized the progress of the Japanese in Manchuria. German subjects had not exceeded their plainly stipulated rights; they had not invaded the interior; they had not become engaged in personal and police conflicts with the Chinese.

There was in the later years of German presence in Shantung little of which, from the point of view of the open door policy, complaint could be made. For ten years past the Germans had done practically nothing calculated to complicate the politics of the Far East, and, except commercially, they disturbed no peace in the Far East but the peace of mind of Japanese expansionists. Judged upon the basis of substantial accomplishment, successful and just administration, and real contribution to the economic and social welfare of the people who fell within the range of their influence, none of the powers holding bases on the China coast can offer better justification for its presence than could the Germans.

If it was necessary for Japan to drive the Germans out in order to "restore the peace of the Far East," to aid China, and to remove a menace to her own security, it follows in logic that she will have to drive out the English, the French, and the Russians—for the same ends and in due course. If she proceeds with such a program, what sort of a countenance will the "peace of the Far East" present during the process? Should she succeed, it is to be presumed that she would, as she has already done with Russian and German holdings, constitute herself legal successor to the tenants whom she evicts. Thus established and intrenched, she would be

in a position without question to dominate China, and, dominating China, to control the whole Far East. Then at least we should have peace! There are those who think that a *Pax Japonica* extending over East Asia and the Western Pacific would be a real peace. But would it? Established only by and at the cost of a succession of wars with individual Western powers, such a peace would probably be but the prelude to a greater war of the East against the West.

Japan's success in the Russo-Japanese War did not insure the peace of the Far East; now ten years later Japan has attacked and defeated the Germans in order to insure that peace. But no sooner has she defeated the Germans than she finds it necessary to fall upon the Chinese, likewise to "insure peace." The process is cumulative. The peace of the Far East will, it would appear, only be assured when there is no one left to disturb Japan's peace of mind; that is, when all of Japan's rivals for commercial and political influence have been eliminated. And then, when the peace of the Far East has been established to Japan's satisfaction—what about the peace of the world?

CHAPTER XVII

JAPAN AND CHINA.

NEGOTIATIONS AND AGREEMENTS OF 1915[1]

As has already been indicated, when Japan began her military operations for the reduction of Kiaochow by making eastern Shantung a field of operation, the Chinese government, unable successfully to object, resorted, for the convenience of all concerned, to the declaration of a war zone. The Japanese, however, did not limit their operations to this zone; instead, they proceeded to seize whatever had been German or was affected by connection with the Germans throughout the province. After the reduction of Kiaochow had been accomplished; with the Japanese military forces in undisputed authority, the Germans of the garrison removed to Japan, and peace restored; the Chinese government, reasoning that there was no further need of maintaining the war zone, sent a note to the Japanese government to the effect that it proposed to declare the existence of the zone at an end. This became the signal for a violent outburst by

[1] For documents and discussion, see:

"China's Official History of the Recent Sino-Japanese Treaties," Pamphlet.

Rea, G. B.: "Analysis of the China-Japanese Treaties."

The *Japan Year Book*, 1915.

Jones, J.: "The Fall of Tsingtao."

The *Far Eastern Review*, especially numbers from February to July, inclusive, 1915.

the Japanese press. It was declared that China had "insulted" Japan; it was demanded that China be punished. The opposition forces in Japanese politics called upon the government to assume a stronger attitude in its foreign policy: Japan's "rights" in China must be enforced. Whether because of this pressure or because it had already decided upon a forward policy, the Japanese government replied to China on January 18, 1915, by the presentation of the now famous Twenty-one Demands, in the course of which it was required—though as but a small part of the whole—that the sum total of Germany's holdings, rights, and privileges in Shantung province be left to such settlement as might ultimately be made between Japan and Germany.

This was in strict accordance, judging from the utterances and published words of prominent men of all classes, with the prevailing Japanese opinion that Japan must take full advantage of the opportunity which the preoccupation of the powers and her own successful participation in the war had given her.

Only five months before, in August, 1914, Count Okuma had declared to the world:

". . . Japan has no ulterior motive, no desire to secure more territory, no thought of depriving China or other peoples of anything which they now possess." Two months later, however, in November, he is represented to have said: [1]

". . . Those who are superior will govern those who are inferior. I believe that within two or three centuries the world will have a few great governing countries and others will be governed by them, will pay homage to the mighty. In other words, about four or five great coun-

[1] Article in the *Shin Nippon*, November, 1914, dictated to the editor by Count Okuma.

tries . . . will be developed, and the other countries will be attached to these great ones. For instance, England, Russia, Germany and France may be such countries.[1] We should from now on prepare ourselves to become a governing nation. . . . But," Count Okuma continued, "we will strive by all means to stand upon the foundation of justice and humanity as becomes the victors in peaceful competition." Does not this utterance, in spite of the concluding sentiment, ring clearly the note of imperialism?

To assure the victory of "peaceful competition," Count Okuma declared in the Diet on Christmas day: ". . . To make our diplomatic dealings more effective, as you desire, we need more force to back our diplomatic activities. For this reason the government has prepared its program for the expansion of both the army and the navy." The Diet that evening, December 25, refused by a vote of 213 to 148 to approve the army appropriation called for in the government's budget. The government thereupon resorted to the repeatedly honored expedient of an Imperial dissolution of the Diet, followed by orders for a new election to be held on March 25, 1915.

In the interval the government went on with its China policy. The series of demands referred to above was delivered to the Peking government in January, 1915. These called, next after the transfer of Germany's Shantung holdings, for the extension of the leases which Japan holds in South Manchuria. Is this consistent with Count Okuma's declaration of August 24, that Japan had "no thought of depriving China or other peoples of anything which they now possess?" China possessed at that time, by the treaties made with Russia,

[1] Are these, and Japan, to be all?

the *right* to the reversion of the Liaotung Peninsula to her control in 1923. It had, of course, been for a long time considered a foregone conclusion that Japan would sooner or later insist upon the extension of this lease. That does not, at the same time, alter the fact that to exact such a concession would be to deprive China of something which she up to that moment possessed.

With regard to Shantung, it was not unnatural that Japan should demand the transfer to herself of Germany's holdings. She had precedent to go by—the transfer to herself in 1905 of Russia's holdings in South Manchuria. But in both cases her rights are based on conquest; and in both cases she had declared in going into the armed conflict that she was doing so in defense of China's rights.

Japan's demands upon China went, however, far beyond these matters of Shantung and Manchuria. She now demanded new and special privileges not alone in Shantung and in Manchuria, but also in Eastern Inner Mongolia, in Fukien Province, and in the Yangtse Valley. She demanded that in future China give no concessions on her coasts to any foreign power without the consent of Japan. She demanded that China take for herself Japanese advisers and Japanese policemen, thus asking that the Peking government subordinate itself in a measure to the will of Tokyo.

Japan's methods in connection with the presentation of the demands, and the manner in which she prosecuted the negotiations which ensued, antagonized the Chinese and provoked criticism from every quarter—including even a significantly critical opposition in Japan.[1] To begin with, there was *no particular justification* for the making of demands. China had done nothing against

[1] See Chapter X, *supra.*

Japan; there had been no war and there was no particular contention between the two countries. In presenting the demands, the Japanese Minister went directly to the President of China, which is contrary to diplomatic usage. Then, the Japanese demanded of China secrecy and did their utmost to keep the world uninformed as to the content and character of the demands. When finally the news leaked out, information came from China to the effect that *twenty-one* demands had been made, and a *précis* of the content of the demands was made available. The Japanese declared to the world that only *eleven* demands had been made. Japanese publicists and Japanese apologists all over the world asserted that China was misrepresenting the substance of the demands. The public was instructed to believe no reports except those which emanated from Tokyo; above all, to pay no attention to news from Peking; it was impossible that Japan could think of taking advantage of China or of doing anything other than scrupulously observe her treaty pledges. Ultimately, the documentary evidence showed that the Peking account of the demands was the true version.

Unfortunately—and especially so for China—there is no comparison between the skill and assiduity which the Japanese and the Chinese manifest respectively in matters of self-explanation and publicity. The Japanese are organized and the Chinese are not. The Japanese realize the power of the press and the value of world public opinion and the Chinese do not. The Japanese put facilities at the disposal of visitors, especially of officials, commissions, and press men, and the Chinese do not. The Japanese put themselves in the position of hosts and guides for travelers. The Chinese do not. The Japanese have many able publicists in foreign

countries. The Chinese have almost none. Numberless books have been written about Japan by foreigners upon the basis of materials supplied abundantly and in large part by the Japanese. Practically no such books have been written about China. The Japanese publish several newspapers and are constantly producing various attention-commanding books in foreign languages. The Chinese have produced as yet almost no such literature. The Japanese government exercises a strict censorship of the news prepared in Japan both for internal and for external consumption and is in a position to inspire such reports as it sees fit. Thus, information—and quite as often misinformation—about Japan is readily accessible; while information about China—especially in matters of contemporary politics—is scarce and to be had with difficulty.

In this case it was weeks before the real facts of the situation were put before the public. Even then—so favorable has been the world's opinion of Japan, so implicit has been the general confidence in Count Okuma both as the head of the Japanese administration and as spokesman for his country—the world refused to consider the full significance of the demands until the Japanese government went to the length of issuing an ultimatum and giving the appearance of being ready to make war upon China to secure the granting of the full measure of what had been asked. As a crowning evidence of their indifference to Chinese susceptibilities, the Japanese officials delivered the ultimatum in the form of a document written in Japanese only.

A comparison of the text of the original twenty-one demands presented by the Japanese minister to China on January 18 with the statement regarding the content of the demands which the Japanese government

furnished the governments of the other powers four weeks later should preface any attempt at an analysis and will serve in itself as a suggestive commentary upon the negotiations.

PARALLEL TEXTS OF JAPANESE DEMANDS MADE ON CHINA[1]

DOCUMENT HANDED TO PRESIDENT YUAN SHIH-KAI BY MR. HIOKI ON JANUARY 18, 1915:

SECTION I.

The Japanese government and the Chinese government, being desirous of maintaining the general peace of eastern Asia and further strengthening the friendly relations and good neighborhood existing between the two nations, agree to the following articles:

Article 1. The Chinese government engages to give full assent to all matters upon which the Japanese government may hereafter agree with the German government relating to the disposition of all rights, interests, and concessions which, by virtue of treaties or otherwise, Germany now possesses in relation to the province of Shantung.

Article 2. The Chinese government engages that within the province of Shantung and along its coast no territory or island will be ceded or leased to a third power under any pretext whatever.

Article 3. The Chinese government consents to Japan's building a railway from Chefoo or Lungkow to join the Kiau-Chau-Tsinan railway.

STATEMENT OF JAPAN'S DEMANDS ON CHINA FURNISHED TO FOREIGN GOVERNMENTS BY JAPAN ON FEBRUARY 14, 1915:

SECTION I.

[No preamble.]

In relation to the province of Shantung:

1. Engagement on the part of China to consent to all matters that may be agreed upon between Japan and Germany with regard to the disposition of all rights, interests, and concessions which, in virtue of treaties or otherwise, Germany possesses in relation to the province of Shantung.

2. Engagement not to alienate or lease upon any pretext the province of Shantung, or any portion thereof, or any island lying near the coast of the said province.

3. Grant to Japan the right of construction of a railway connecting Chefoo or Lungkow with the Tsinan-Kiau-Chau railway.

[1] The use of this arrangement, prepared by Mr. Oscar King Davis, is permitted by the courtesy of the *Chicago Tribune*.

Article 4. The Chinese government engages, in the interest of trade and for the residence of foreigners, to open by itself, as soon as possible, certain important cities and towns in the province of Shantung as commercial ports. What places are to be opened are to be decided upon by the two governments by separate agreement.

[No corresponding article.]

SECTION II.

The Japanese government and the Chinese government, since the Chinese government has always recognized the special position enjoyed by Japan in south Manchuria and eastern inner Mongolia, agree to the following articles:

SECTION II.

In relation to south Manchuria and eastern inner Mongolia.

[No preamble.]

Article 1. The two contracting parties mutually agree that the term of lease of Port Arthur and Dalny, and the term of lease of the South Manchurian railway and the Antung-Mukden railway, shall be extended to the period of ninety-nine years.

1. Extension of the terms of the lease of Kwantung, the South Manchurian railway, and the Antung-Mukden railway.

Article 2. Japanese officials and common people in south Manchuria and eastern inner Mongolia shall have the right to lease or own land required either for erecting suitable buildings for trade and manufacture or for farming.

2. (a) Acquisition by the Japanese of the right of residence and ownership of land.

(b) Grant to Japan of the mining rights of the mines specified by Japan.

Article 3. Japanese officials and common people shall be free to reside and travel in south Manchuria and eastern Mongolia, and to engage in business and in manufacture of any kind whatsoever.

3. Obligation on the part of China to obtain in advance the consent of Japan before she grants railway concessions to any third power, procures the supply of capital from any power for the construction of a railway, or raises from any third power a loan on security of any duties or taxes.

Article 4. The Chinese government agrees to grant to Japanese officials and common people the min-

4. Obligation on the part of China to consult Japan before employing advisers or tutors regarding

ing rights of all mines in south Manchuria and eastern inner Mongolia. What mines are to be opened shall be decided upon by the two governments jointly.

Article 5. The Chinese government agrees that in respect of the two cases mentioned herein below the consent of the Japanese government shall first be obtained before action shall be taken:

(a) Whenever permission is granted to a subject of a third power to build a railway or to make a loan with a third power for the purpose of building a railway in south Manchuria or eastern inner Mongolia.

(b) Whenever a loan is to be made with a third power pledging the local taxes of south Manchuria or eastern inner Mongolia as security.

Article 6. The Chinese government agrees that if the Chinese government employs political, financial, or military advisers or instructors in south Manchuria or eastern inner Mongolia the Japanese government shall first be consulted.

Article 7. The Chinese government agrees that the control and management of the Kirin-Changchun railway shall be handed over to the Japanese government for a term of ninety-nine years, dating from the signing of this agreement.

SECTION III.

The Japanese government and the Chinese government, seeing that Japanese financiers and the Hanyehping company have close relations with each other at present, and desiring that the common interests of the two nations shall be advanced, agree to the following articles:

political, financial, or military matters.

5. Transfer of the management and control of the Kirin-Changchun railway to Japan.

SECTION III.

[No preamble.]

Agreement in principle that at an opportune moment in the future the Hanyehping company should be placed under Japanese and Chinese coöperation.

Article 1. The two contracting parties mutually agree that when the opportune moment arrives the Hanyehping company shall be made a joint concern of the two nations, and they further agree that without the previous consent of Japan, China shall not by her own act dispose of the rights and property, of whatsoever nature, of the said company, nor cause the said company to dispose freely of the same.

Article 2. The Chinese government agrees that all mines in the neighborhood of those owned by the Hanyehping company shall not be permitted, without the consent of the said company, to be worked by other persons outside of the said company, and further agrees that if it is desired to carry out any undertaking which, it is apprehended, may directly or indirectly affect the interests of the said company, the consent of said company shall first be obtained.

SECTION IV.

The Japanese government and the Chinese government, with the object of effectively preserving the territorial integrity of China, agree to the following articles:

The Chinese government engages not to cede or lease to a third power any harbor, bay, or island along the coast of China.

SECTION V.

Article 1. The Chinese government shall employ influential Japanese as advisers in political, financial, and military affairs.

Article 2. Japanese hospitals, churches, and schools in the interior of China shall be granted the right of owning land.

SECTION IV.

[No preamble.]

Engagement, in accordance with the principle of maintenance of the territorial integrity of China, not to alienate or lease any ports or bays on or any island near the coast of China.

SECTION V.

[No corresponding section.]

Article 3. Inasmuch as the Japanese government and the Chinese government have had many cases of dispute between Japanese and Chinese police to settle, cases which have caused no little misunderstanding, it is for this reason necessary that the police departments of the important places in China shall be jointly administered by Japanese and Chinese, or that the Chinese police departments of these places shall employ numerous Japanese, so that they may at the same time help to plan for the improvement of the Chinese police service.

Article 4. China shall purchase from Japan a fixed amount of munitions of war, say 50 per cent. or more of what is needed by the Chinese government, or there shall be established in China a Sino-Japanese jointly worked arsenal. Japanese technical experts are to be employed and Japanese material to be purchased.

Article 5. China agrees to grant to Japan the right of constructing a railway connecting Wuchang with Kiukiang and Nanchang, another line between Nanchang and Hangchou, and another between Nanchang and Chao-chou.

Article 6. If China needs foreign capital to work mines, build railways, and construct harbor works, including dockyards, in the province of Fukien, Japan shall be first consulted.

Article 7. China agrees that Japanese subjects shall have the right to propagate religious doctrines in China.

In the course of the contest which ensued and which was brought to a close—in some respects only—by the

signing of treaties on May 25, the substance of Groups I and II of these demands underwent practically no changes. Certain modifications were made in Group III. Group IV was retained as it stood. And it was ultimately agreed that the discussion of Group V, with the exception of the provision regarding Fukien Province—which was retained—should be postponed.

Several features stand out with simple and peculiar prominence. Four of the groups were introduced by special, cleverly constructed preambles. There was no introduction or explanation attached to Group V. Baron Kato later declared in the Japanese Diet that Group V had represented not "demands" but an expression of Japan's "wishes" with a view to ascertaining China's attitude upon the points involved. No such explanation had been vouchsafed the Chinese government; Group V had been included, with no indication of special character or reservation, in the original document presented to the President of China as a summary of Japan's demands. That they were thus included in the document as presented to China and were entirely omitted from the account given the powers is significant and, instead of minimizing, serves greatly to increase their importance.

The concessions which Japan sought may be divided into three classes: in some cases she was asking for options; in others she was asking the right to exercise a veto power with regard to actions of the Chinese government; in the third class she was asking for herself a position of definite, immediate, direct, and important special privilege.

Group I related to Shantung. It required not only that all German holdings be turned over to Japan, but, in addition, that China pledge—as she had not been re-

quired to do by Germany—that she would not lease to other countries any territory on the coast of Shantung. Still further, China was to grant Japan the right to construct a new railway in Shantung, a line from Tungchow—near Chefoo—to Weihsien. The importance of this latter demand arises from three facts. In the first place, the Chinese have for a long time been planning to construct the line in question for and by themselves. In the second place, it has become China's railway policy no longer to give railway concessions to foreign powers; to have railways built by foreigners and with foreign capital, yes, but as Chinese lines. In the third place, China and the world have learned from the experience of Manchuria that railways in Russian and Japanese hands are not alone economic instruments but are used as weapons for the furtherance of political ends—always at China's and sometimes at other countries' expense.

The preamble to Group II stated that "the Chinese government has acknowledged the special position enjoyed by Japan in South Manchuria and Eastern Inner Mongolia." As a matter of fact, Japan never *had* a special position in either region until ten years ago; China has only step by step and reluctantly recognized the position which Japan has acquired in Manchuria; and on no basis except that of her own unauthorized forward movement, and with no recognition of right by any nation has Japan acquired a "special position" in Eastern Inner Mongolia.

The requirement that China extend the lease on "Port Arthur and Dalny" has subsequently been interpreted by Japan to mean the "Leased Territory." This, together with the extension of the railway leases, is all but equivalent to the cession of South Manchuria to Japan.

If there is any question upon that point, the remaining clauses in this group remove all doubt. If China seeks advisers upon affairs in these regions, Japan is to be the final authority as to their selection; if China wishes to build railways with foreign capital here or to take foreign loans on the security of the local taxes, Japan's consent must be obtained. Japanese subjects are to be free to travel, reside, engage in business and in manufacture of any sort, lease or own land and erect buildings, and to open mines *throughout the region.* These last mentioned provisions are the most novel and most far-reaching in what will be their immediate effect. It has not heretofore been legal for foreigners, with the exception of missionaries, to own land and buildings, reside, and carry on business at places other than the treaty ports. There have been many factors responsible for the origin and continuance of this practice, prominent among which are three: first, the earlier Chinese hostility—which developed only after conflicts—to foreigners; second, the embarrassing situations which arose from China's inability to protect foreigners; third—and of fundamental importance—the fact that, in view of the comparative poverty of the Chinese and affluence of the foreigners, with the concomitant cheapness of land in China, "free trade" as between foreign money and Chinese land was as a matter of sound policy highly undesirable.

Japan herself still retains such a policy of self-protecting exclusion. Neither Chinese nor any other foreigners can independently open or own mines in Japan, nor can they freely acquire and own land. In the cases of both China and Japan there are good reasons for restrictions in these matters.[1]

[1] A modification of the Japanese Law was arranged in April, 1910,

Restricted in the exercising of the rights of residence, occupation, and acquiring real property, to certain localities, the foreigner has nevertheless in certain other respects been, in China, in a highly privileged position. Extraterritoriality has given him rights, privileges, and a position of security not possessed by either native or naturalized citizens. Without extraterritoriality the foreigner must long since either have left China or have conquered and subjugated the Chinese people. With it, he and his government and the Chinese government have been relieved of many difficulties. Possessed of extraterritorial rights, the foreigner is subject in most matters to the laws of his own country more than to those of China, he is amenable as a defendant only to courts presided over by officials of his own country, and he is constantly under the protection of those officials. But along with this privileged status and its rights have gone necessary restrictions and obligations. The system would not work unless the foreigner and his official were in comparative proximity. To allow the foreigner to go where he wished, to own land and to carry on business where he wished, would require one or the other of two things: either abolish extraterritoriality, leaving the foreigner amenable entirely to Chinese laws and courts; or increase the number and dispersion of foreign officials, with, where necessary, their "guards."

With the exception of Russia in her activities in Manchuria before 1904, no country has, since the establishing of extraterritoriality, attempted to upset the workings of that system. The Japanese demands involve not alone a distinct, but a very great invasion of the prin-

granting to foreigners the right—under very considerable restrictions—to own land, but "the date of putting the law in operation still remains unfixed." *Japan Year Book*, 1915.

ciples upon which the privileged position of the foreigner has been based and by which it is justified. In theory the rights which accrue to the Japanese will, of course, under the operation of the most-favored-nation clauses in their treaties, extend likewise to all other foreigners, but in practice the Japanese almost alone will profit by them. This in itself would not be objectionable or exceptionable were it not that where Japanese traders go, there Japanese officials will go; where the officials go, soldiers will go; at every turn the authority of China will be diminished and that of Japan increased. In the guise of peaceful commerce and colonization, the process is really one of military and political invasion, preparing the way for absorption without battle. Very valuable to Japan, the abolition of extraterritoriality in Manchuria will be of no particular benefit and in some ways a burden to Western nations, decidedly disadvantageous to the Chinese, and a potential source of friction between China and Japan.

Group III relates to the great Hanyehping Company whose interests included the Hanyang iron works, the Linghsiang coal mines, and the Tayeh iron mines. The Hanyehping iron and steel mills are located at Hankow, "the Chicago of China," seven hundred miles up the Yangtse, while the coal and iron mines are near at hand, all being in the very heart of the British sphere of influence. The company is Chinese. During recent years it has borrowed certain sums of money from Japanese sources. Now, in the form in which this demand was presented, Japan asked not only a partnership in the company, but what would amount to control; not that alone, but the right to prevent by Japanese veto the opening up, whether by other foreigners or by Chinese, of any mines in all the region round about; even more—

the interdiction of any enterprise which would, in the opinion of the Japanese, be held likely "directly or indirectly" to affect the interests of the company. Here was a demand for a concession not only special and exclusive in itself but carrying with it provisions capable of indefinitely wide interpretation as instruments for excluding other nations from and intrenching Japanese interests in the industrial development of the Middle Yangtse region. This concession and the important railway concessions asked for in Group V Japan was demanding in the region which is recognized, in theory at least, as the special preserve of her ally, Great Britain.

The demand which constituted Group IV, that China should engage "not to cede or lease to any third power any harbor or bay or island along the coast," carries with it a significant implication and, should it be acceded to, two particular consequences, one negative and one positive. The implication is that China is responsible to Japan in the matter of disposing of her territories; that is, that a new limitation of China's sovereign rights, in favor of Japan, is to be recognized. The consequences would be that China would stand pledged on the one hand to refrain from giving territorial concessions to any *third* power, whence it would follow that no third power might obtain such concessions; while on the other hand as between China and Japan no such prohibition would be established.

In Group V, concessions of the most unprecedented and wide-reaching nature were required. China was to employ Japanese advisers in political, financial, and military affairs; to admit Japanese to joint participation in the policing of "important places"; to purchase from Japan "say fifty per cent. or more" of her munitions of war, or allow the establishing of an arsenal in China

under Japanese supervision; to grant Japan the right to construct important designated railway lines in the Yangtse Valley, some of which were already promised to British concessionaires; to specify that Japanese might carry on missionary propaganda and own lands for hospitals, churches, and schools in the interior; and to give Japan first option for the furnishing of capital for developments, "including dock yards," in Fukien Province. This last item was evidently intended to settle forever and adversely the fate of an American project in that region—as will be explained in due course.

The most astonishing of the demands of this group were those regarding police and the purchase or manufacture of arms. The granting of the first of these would connote an extensive abrogation of sovereign rights, would imply a consciousness on China's part of inability to administer her own affairs, and would inevitably lead to acute and intolerable friction. The granting of the second would involve a more conspicuous disregard of the principle of equal opportunity in China's markets than has ever in a single instance been shown. It would necessitate China's making familiar to Japan every detail of her military preparations and equipment, thus substantially subordinating herself in these vitally important matters to the will and convenience of Japan. The two together would, in the course of a few years, not only put China absolutely at the mercy of Japan but would produce conditions to which Japan could point as ample justification for such measures as she might choose to take for the ostensible purpose of removing those conditions. If China assented to these along with the other demands she would be assigning herself as a protectorate, immediately, to Japan.

The reaction in China was quite different from what the Japanese government seems to have expected. Even the members of the Kwo-ming Tang, hitherto irreconcilably opposed to Yuan Shih-kai, laid aside internal political strife and rallied to the support of their government in opposition to Japan. Outside China there was a split in the Kwo-ming Party, but the principal leader, Huang Hsing, gave his support, and most of his party followed his lead.

Among the many reasons for the attitude of the Chinese, three stand out perhaps most clearly: the Chinese realize that the granting of special concessions and privileges to single foreign powers has always been fatal to their own interests and disturbing to the peace of the Far East; they have no faith in the Japanese protestations of disinterested friendship; and they are unwilling to grant to any country the right, especially when it is sought to make that right exclusive, to dictate to them with regard to the disposition of their territories and the administration of their affairs. Is it to be inferred that all Chinese have been blind to the fairness of Japan's proposals and to the real interests not alone of their own country but of the whole Far East; or is another, more disconcerting conclusion more warrantable?

The Japanese Minister in Peking sought at the outset to get the Chinese officials to agree "in principle" to all the demands. To this the Chinese refused to commit themselves. Long weeks of negotiation followed. The Chinese early agreed to a proposal made by the Japanese that no official minutes be kept of the meetings. The demands regarding Shantung were as good as conceded from the outset. On February 12 the Chinese submitted a formal statement of their opinion with regard to each of the demands, intimating their willing-

ness to agree to twelve of the twenty-one items. On February 20 the Japanese Minister replied that his government insisted upon the whole twenty-one items being made the basis of negotiation. On February 22 the Chinese proposed that Japan—in accordance with the intimations in her ultimatum to Germany—give Kiaochow over to China and restore the *status quo* in Shantung. On February 25 and 28 the Chinese pointed out that the demands concerning Inner Mongolia were not warranted by any agreements which China had ever made with Russia or Japan and that the effect of granting those demands in connection with the ones concerning South Manchuria would be either to give Japan a position of exclusive privilege—which would conflict with the treaty rights of other nations—or to make the whole region an open port, which procedure would have obvious disadvantages. Early in March the Chinese acceded to the demands for the extension of the leases in South Manchuria.[1] At the same time they agreed in principle, though with some modifications, to the demands regarding loans and mining rights and advisers in South Manchuria. Later in March they declared themselves willing to yield on the point of Japanese subjects settling and owning land in the interior of Eastern Inner Mongolia and South Manchuria, provided the Japanese would forego extraterritoriality and submit to Chinese jurisdiction. At this juncture the Japanese began to dispatch troops to Manchuria, explaining that these contingents were being sent to relieve the garrisons. This was in advance of the regular time for the

[1] It is reasonable to suppose that Russia will, in due course, ask for and require, by way of "compensation," a similar extension of the lease on the 1,000 miles of the Chinese Eastern Line which she retains in North Manchuria.

changing of the garrisons, and as the new troops arrived the old were not withdrawn. Before the negotiations were completed some 60,000 Japanese troops had been sent not only into Manchuria but to points in Shantung and on the Yangtse, while artillery had been mounted at Mukden, Tsinanfu, and Hankow.

At the fourteenth conference,[1] the Chinese professed their willingness to agree in principle, but not in detail, to the demand concerning the Hanyehping Company. The Japanese Minister said Japan would not be content with that. With regard to the demand of Group IV, that China should promise Japan that she would not alienate any island, port, or harbor on the coast to any third power, the Chinese offered to make a declaration, on China's own responsibility, on that subject, but they were unwilling to make an "agreement" which would carry the implication that Japan had a "special interest in" or the right to require such a declaration. Obviously the making of an "agreement" on such a point would imply that China was in a sense under the protection of Japan, and, with the "third power" provision, would entirely upset the principle of equality of opportunity to which China, along with Japan and the other powers, is pledged by treaties.

At this conference, too, the Japanese Minister took up and pressed one of the demands in Group V, the group which Japan had not mentioned in her communication to the powers and which Baron Kato declared later to represent merely "wishes." The Chinese Minister of Foreign Affairs explained at length and very cogently why China was unwilling to give to Japanese (Buddhist) missionaries a special warrant to carry on their propaganda in China. The chief objections were

[1] On March 25.

on the score of suspicions and possible political complications which would arise. The Japanese Minister admitted the force of the arguments and explained the demand in a way which indicated that its inclusion had a direct bearing upon the election campaign in Japan. On March 30 the Japanese Minister pressed for an agreement on all twenty-one of the demands.

During the next few conferences the question of right of residence, and so forth, for Japanese in South Manchuria was brought up over and over, the Chinese offering all sorts of modifications in detail to the proposals urged by the Japanese. The demands regarding Fukien Province and the railways in the Yangtse Valley were pressed and argued. Finally[1] Mr. Hioki asked whether the Chinese refusal to discuss the subject of the railway concessions was on account of engagements with Great Britain. The Chinese Minister replied in the affirmative, whereupon the Japanese suggested that China should make the concessions to Japan and leave it to Japan to settle with Great Britain. This in spite of the fact that China had already and but recently arranged to accept British assistance in the building of these railways and that the lines lay within the British sphere of influence.

No conferences were held between April 17 and April 29. On the former date the Japanese Minister had announced that he and his government were exchanging communications and that when he had full instructions he would inform the Chinese as to when the next conference would be held. There were rumors that Japan was contemplating drastic action. Military and naval preparations were going forward in Japan, and vessels and additional troops were being dispatched to China.

[1] On April 13.

It was generally believed that Japan was waiting to hear what reply Sir Edward Grey would make to the questions which were being asked in the British House of Commons. British interests had been bestirring themselves and the British government was at last being forced to recognize something of the importance and the seriousness of the Far Eastern situation. The facts had also at last gotten before the American public, and from the utterances of both the British and the American press it began to be apparent that, now that the real nature of the demands was understood, the sympathy of the world was with China. Vigorous publicity and the time element had come to China's assistance with unprecedented effectiveness. True, the Japanese government had won in the recent elections, but it now had to answer questions which were being raised insistently and pertinently both at home and from abroad. On April 23 it was announced by the Kokusai News Agency of Tokyo, officially inspired, that the Japanese government intended to change and modify some of its demands. On April 26 this announcement was made good by the presentation of a revision comprising twenty-four demands, the Japanese Minister announcing that this communication was final and that if China would consent to the whole group without revision Japan would restore Kiaochow to China at an opportune time and subject to certain conditions.

In the revision[1] several of the items which had appeared in the original Group V were retained in one form or another—although this group had in the interval been explained as representing only "wishes." The Chinese replied on May 1, agreeing to nearly all of what was asked in the revision, but rejecting one demand con-

[1] See Appendix.

cerning Eastern Inner Mongolia and that which called for the concession to Japan of the right to construct the railway lines in South China. The Chinese also asked again that Japan agree to the retrocession of Shantung and provide indemnification for the losses caused to Chinese subjects by the military campaign in that province; and that Japan recognize the right of China to participate in the negotiations which would take place between Japan and Germany with regard to Shantung.

When he presented the reply of his government,[1] the Chinese Minister of Foreign Affairs read a memorandum containing a résumé of what had been China's attitude and a summary of the concessions which she had made in the course of the negotiations. After statements intended to show that China had on practically all other points done her utmost to comply with what Japan demanded, this memorandum declared:

> As regards the demands in the fifth group, they all infringe China's sovereignty, the treaty rights of other Powers, or the principle of equal opportunity. Although Japan did not indicate any difference between this group and the preceding four in the list which she presented to China, . . . the Chinese Government, in view of their palpably objectionable features, persuaded itself that these could not have been intended by Japan as anything other than Japan's mere advice to China. Accordingly, China has declared from the very beginning that while she entertains the most profound regard for Japan's wishes she was unable to admit that any of these matters could be made the subject of an understanding with Japan. Much as she desired to pay regard to Japan's wishes, China cannot but respect her own sovereign rights and the existing treaties with other Powers. In order to be rid of the seed for future misunderstanding and to strengthen the basis of friendship, China

[1] May 1.

was constrained to iterate the reasons for refusing to negotiate on any of the articles in the fifth group, yet in view of Japan's wishes China has expressed her readiness to state that no foreign money was borrowed to construct harbor works in Fukien Province. Thus it is clear that China went so far as to seek a solution for Japan of a question that really did not admit of negotiation. Was there, then, evasion on the part of China?

Now, since the Japanese Government has presented a revised list of demands and declared at the same time that it will restore the leased territory of Kiaochow, the Chinese Government reconsiders the whole question and herewith submits a new reply to the friendly Japanese Government.[1]

The memorandum also contained the following interesting statement, implying that the injunction of secrecy was first disregarded in Japan:

There is one more point. At the beginning of the present negotiations it was mutually agreed to observe secrecy, but unfortunately a few days after the presentation of the demands by Japan an Osaka newspaper published an "Extra" giving the text of the demands.

The Japanese Minister replied at once by withdrawing the conditional offer for the restoration of Shantung, and the Japanese government prepared an ultimatum which it put in its Minister's hands on May 6. The Chinese people were by this time urging the government to resist Japan, if necessary by force of arms, but Yuan Shih-kai, knowing that such a course would be futile, authorized his ministers to make further concessions. Overtures to that effect were rejected by the

[1] "China's Official History of the Recent Sino-Japanese Treaties," pp. 29-30.

Japanese, and the ultimatum was presented on May 7, giving China forty-eight hours in which to accede to the demands. War vessels had been dispatched, and additional troops were embarking at Japanese ports for service against China.

At some time between May 1 and May 7 the Japanese government seems to have undergone a considerable change of mind, if not of heart, for the requirements embodied in the ultimatum represented a modification of what had been put forward in the document of April 26 as Japan's last and final demands. It has been suggested that counsels to restraint had been forthcoming, in the interval, from Japan's Occidental ally.

The ultimatum was accompanied by an explanatory note in which it was indicated that five matters: namely, (a) the employment of advisers, (b) the establishing of schools and hospitals, (c) the railway concessions in South China, (d) the supply of arms and ammunition and the establishing of arsenals, and (e) the propagation of Buddhism, were to be postponed for later negotiation—thus making it a matter of record that these demands were not to be considered as definitely waived. "If the Chinese Government accepts all the articles as demanded in the Ultimatum, the offer of the Japanese Government to restore Kiaochow . . . will still hold good." The note also made specifications with regard to certain changes in phraseology which might be effected, and left the disposal of a few minor matters to the future.

The ultimatum found fault with China's unsatisfactory attitude regarding Shantung. "From the commercial and military points of view Kiaochow is an important place, in the acquisition of which the Japanese Empire sacrificed much blood and money, and, after the

acquisition, the Empire incurs no obligation to restore it to China." Declaring that "the articles relating to the employment of advisers, the establishment of schools and hospitals, the supply of arms and ammunition and establishment of arsenals, and railway concessions in South China in the revised proposals are not in the least in conflict either with China's sovereignty or her treaties with the Foreign Powers," it complained that "the Chinese Government, alleging that these proposals are incompatible with their sovereign rights and the Treaties with the Foreign Powers, defeat the expectations of the Imperial Government." The Japanese government would undertake to detach Group V for future discussion; "therefore the Chinese Government should appreciate the friendly feelings of the Imperial Government by immediately accepting without any alteration all the articles of Groups I, II, III, and IV and the exchange of notes in connection with Fukien Province in Group V, as contained in the revised proposals presented on the 26th of April."

The ultimatum demanded little of importance to which China had not already agreed. Was it then really nothing but a stuffed club, a mere bluff, its presentation a "grand-stand play"? Was the threat of war made simply to save the face of the Chinese government before the Chinese people, to enhance the prestige of the Japanese government with the Japanese people, to place before the world a picture of Japan provoked by Chinese obstructionist tactics to the point of raising the sword and then, rather than break the peace, magnanimously foregoing the easy glory of an easier conquest and the full fruits of an assured and early military success? Or was Japan really asking for a little more in addition to the very much which China had already con-

ceded, and, having asked, actually ready to go to war rather than be denied?

On May 7 the Japanese issued (through Reuter's Telegraph Agency) a statement to the world by way of explaining and justifying the demands. According to this, Japan's main objects had been "to adjust matters to meet the new situation created by the war between Japan and Germany," "to bring closer the friendly relations subsisting between Japan and China," and "thus to insure the permanent peace of the Far East." In formulating the demands the Japanese government had "taken special care to avoid those which might have been deemed to conflict with the principles of territorial integrity and the open door, which Japan has, from time to time, declared to the Powers in regard to China." Taking this assertion at its face value and examining the summary of the content of the demands to which it serves as a preface, one can only conclude that the Japanese conception of the principles referred to is radically different from that of the average Occidental observer. It would seem, too, as though the framers of this *communiqué* were quite unaware of or had entirely overlooked various previous statements which had been made with regard to the demands. The internal evidence of this inspired explanation negatives the earlier declarations to the effect that only eleven demands had been made at the outset; it shows that the Chinese version of the content and the nature of the demands was a true version; it proves that Count Okuma's manifestoes to the world asserting the innocuous character of the demands were misleading; and it attributes to the Japanese government statements plainly and flatly contradictory of each other.

At one point appears: "The Central Chinese govern-

ment must engage influential Japanese as political, financial, and military advisers." Five weeks earlier, and two months after the negotiations had begun, Count Okuma, on April 3, had declared: "Japan has not demanded the appointment of Japanese advisers." At another place the *communiqué* declares: " . . . It is an undeniable fact that the Chinese authorities failed to appreciate the friendly attitude of Japan and persisted in protracting the negotiations." On April 3 Count Okuma had said: "It is untrue that the Chinese government has endeavored unduly to delay the adjustment." Count Okuma also said on that occasion: "In Shantung Japan is only asking for what China has already granted to Germany." As a matter of fact, Japan was asking for at least three specified things in relation to Shantung—and the *communiqué* includes them—which China had *never granted or been asked to grant to Germany.*

In all, there were included in the summary of what was originally demanded not less than nine items whose import is directly or indirectly in conflict with the principles of the open door, and whose realization would establish inequalities to the detriment of the interests of other powers. Among these were, for instance, the following:

> The Chinese government shall engage not to alienate or lease to a third Power any ports or bays on, or islands off, the coast of China.
>
> China must obtain from Japan a supply of a certain quantity [the original demand had read "fifty per cent. or more"] of arms, etc.
>
> Japan must be given the right to construct a railway connecting Wuchang with the Kiukiang-Nanchang line and with the Nanchang-Hangchow railways. [The railway construction referred to had already been promised to the British.]

Certain statements were obviously made for the impression which, being plausible, they would make upon the uninformed public. Thus:

> Japan's relations with Manchuria have always been especially close geographically, politically, and from the point of view of commercial and industrial interests. Since those relations have been strengthened by two successive wars the predominant position of Japan in that region has been recognized both at home and abroad.

For "always" there should be substituted "ten years."

> The case is almost similar in regard to Eastern Inner Mongolia.

This goes utterly beyond the facts.

Perhaps the most suggestive statement in the whole document is the following:

> . . . The Chinese government . . . objected to . . . various questions enumerated under Group V, on the ground that they were derogatory to the sovereign rights of China or conflicted with treaties with other Powers, and although the Japanese Minister explained that such was not the case, they refused to listen.

This little sentence contains a whole volume. Here we have it: Group V, not communicated to the powers, representing only "wishes," comprising concessions for which Japan never asked—and yet which the reports of the conferences show to have been urged repeatedly; the Chinese contend that these items conflict with China's sovereign rights—which Japan has no thought of infringing—or with the treaty rights of other powers —which it has been Japan's care scrupulously to safeguard; the Japanese Minister explains to the Chinese

that they are mistaken in their view of their sovereign rights and the obligations of their treaties; Japan then, not China, is to determine what are and what are not China's rights and treaty obligations; but the Chinese refuse to accept the Japanese view; what is there then to do but deliver an ultimatum, compel these recalcitrant Chinese—if necessary by force of arms—to accept that which, though they in their ignorance cannot see it so, is for their own good and for the interest of all the powers concerned?

Before daybreak on the morning of May 9 the Chinese government agreed to the terms laid down in the ultimatum.

> The Chinese Government, with a view to preserving the peace of the Far East, hereby accepts, with the exception of those five articles of Group V, postponed for later negotiation, all the articles of Groups I, II, III and IV and the exchange of Notes in connection with Fukien Province in Group V, as contained in the revised proposals presented on the 26th of April and in accordance with the Explanatory Note of seven articles accompanying the Ultimatum of the Japanese Government, with the hope that thereby all outstanding questions are settled, so that the cordial relationship between the two countries may be further consolidated.

It remained to draft the necessary treaties, agreements, exchanges of notes, and declarations. Several conferences were held before this work was completed, and at these the Japanese Minister brought up certain points which the Chinese claim went beyond the provisions of the ultimatum.

Finally, on May 25, the arranging and phrasing of the documents having been completed, the signatures of the ministers were affixed; and on June 8 the ratifi-

cations were exchanged, terminating the diplomatic contest which had lasted for five months.

The simplest way to arrive at an understanding of what was actually conceded will be to follow the documents through in outline.

Treaty Respecting the Province of Shantung

Article 1. The Chinese Government agrees to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.

Article 2. The Chinese Government agrees that as regards the railway to be built by China herself from Chefoo or Lungkow to connect with the Kiaochow-Tsinanfu railway, if Germany abandons the privilege of financing the Chefoo-Weihsien line, China will approach Japanese capitalists to negotiate for a loan.

Article 3. The Chinese Government agrees in the interest of trade and for the residence of foreigners, to open by China herself as soon as possible certain suitable places in the Province of Shantung as Commercial Ports.

Article 4. The present treaty shall come into force on the day of its signature.

Exchange of Notes Respecting Shantung

Monsieur le Ministre,

In the name of the Chinese Government I have the honour to make the following declaration to your Government:—"Within the Province of Shantung or along its coast no territory or island will be leased or ceded to any foreign Power under any pretext."

I avail, etc.,

(*Signed*) Lou Tseng-tsiang.

[In reply, acknowledgment by the Japanese Minister.]

Exchange of Notes Respecting the Opening of Ports in Shantung

MONSIEUR LE MINISTRE,

I have the honour to state that the places which ought to be opened as Commercial Ports by China herself, as provided in Article 3 of the Treaty respecting the Province of Shantung signed this day, will be selected and the regulations therefor will be drawn up, by the Chinese Government itself, a decision concerning which will be made after consulting the Minister of Japan.

I avail, etc.,

(*Signed*) LOU TSENG-TSIANG.

[In reply, acknowledgment by the Japanese Minister.]

Exchange of Notes Respecting the Restoration of the Leased Territory of Kiaochow Bay

EXCELLENCY,

In the name of my Government I have the honour to make the following declaration to the Chinese Government:—

When, after the termination of the present war, the leased territory of Kiaochow Bay is completely left to the free disposal of Japan, the Japanese Government will restore the said leased territory to China under the following conditions:—

1. The whole of Kiaochow Bay to be opened as a Commercial Port.

2. A concession under the exclusive jurisdiction of Japan to be established at a place designated by the Japanese Government.

3. If the foreign Powers desire it, an international concession may be established.

4. As regards the disposal to be made of the buildings and properties of Germany and the conditions and procedure relating thereto, the Japanese Government and the Chinese Gov-

ernment shall arrange the matter by mutual agreement before the restoration.

I avail, etc.,

(*Signed*) Hioki Eki.

[In reply, acknowledgment by the Chinese Minister of Foreign Affairs.]

Treaty Respecting South Manchuria and Eastern Inner Mongolia

Article 1. The two High Contracting Parties agree that the term of lease of Port Arthur and Dalny and the terms of the South Manchuria Railway and the Antung-Mukden Railway, shall be extended to 99 years.

Article 2. Japanese subjects in South Manchuria may, by negotiation, lease land necessary for erecting suitable buildings for trade and manufacture or for prosecuting agricultural enterprises.

Article 3. Japanese subjects shall be free to reside and travel in South Manchuria and to engage in business and manufacture of any kind whatsoever.

Article 4. In the event of Japanese and Chinese desiring jointly to undertake agricultural enterprises and industries incidental thereto, the Chinese Government may give its permission.

Article 5. The Japanese subjects referred to in the preceding three articles, besides being required to register with the local Authorities passports which they must procure under the existing regulations, shall also submit to the police laws and ordinances and taxation of China.

Civil and criminal cases in which the defendants are Japanese shall be tried and adjudicated by the Japanese Consul; those in which the defendants are Chinese shall be tried and adjudicated by Chinese Authorities. In either case an officer may be deputed to the court to attend the proceedings. But mixed civil cases between Chinese and Japanese relating to land shall

be tried and adjudicated by delegates of both nations conjointly in accordance with Chinese law and local usage.

When, in future, the judicial system in the said region is completely reformed, all civil and criminal cases concerning Japanese subjects shall be tried and adjudicated entirely by Chinese law courts.

Article 6. The Chinese Government agrees, in the interest of trade and for the residence of foreigners, to open by China herself, as soon as possible, certain suitable places in Eastern Inner Mongolia as Commercial Ports.

Article 7. The Chinese Government agrees speedily to make a fundamental revision of the Kirin-Changchun Railway Loan Agreement, taking as a standard the provisions in railway loan agreements made heretofore between China and foreign financiers.

When in future, more advantageous terms than those in existing railway loan agreements are granted to foreign financiers in connection with railway loans, the above agreement shall again be revised in accordance with Japan's wishes.

Article 8. All existing treaties between China and Japan relating to Manchuria shall, except where otherwise provided for by this Treaty, remain in force.

Article 9. The present Treaty shall come into force on the date of its signature. The present Treaty shall be ratified by His Excellency the President of the Republic of China and His Majesty the Emperor of Japan, and the ratifications thereof shall be exchanged at Tokyo as soon as possible.

[Signed by the Plenipotentiaries of both Powers.]

Exchange of Notes Respecting the Terms of Lease of Port Arthur and Dalny and the Terms of South Manchurian and Antung-Mukden Railways

MONSIEUR LE MINISTRE,

I have the honour to state that, respecting the provisions contained in Article 1 of the Treaty relating to South Manchuria and Eastern Inner Mongolia, signed this day, the term

of lease of Port Arthur and Dalny shall expire in the 86th year of the Republic or 1997. The date for restoring the South Manchuria Railway to China shall fall due in the 91st year of the Republic or 2002. Article 12 in the original South Manchurian Railway Agreement providing that it may be redeemed by China after 36 years from the day on which the traffic is opened is hereby cancelled. The term of the Antung-Mukden Railway shall expire in the 96th year of the Republic or 2007.

I avail, etc.,

(*Signed*) Lou Tseng-tsiang.

[In reply, acknowledgment by the Japanese Minister.]

Exchange of Notes Respecting the Opening of Ports in Eastern Inner Mongolia

Monsieur le Ministre,

I have the honour to state that the places which ought to be opened as Commercial Ports by China herself, as provided in Article 6 of the Treaty respecting South Manchuria and Eastern Inner Mongolia signed this day, will be selected, and the regulations therefor will be drawn up, by the Chinese Government itself, a decision concerning which will be made after consulting the Minister of Japan.

I avail, etc.,

(*Signed*) Lou Tseng-tsiang.

[In reply, acknowledgment by the Japanese Minister.]

South Manchuria

Monsieur le Ministre,

I have the honour to state that Japanese subjects shall, as soon as possible, investigate and select mines in the mining areas in South Manchuria specified hereinunder, except those being prospected for or worked, and the Chinese Government will then permit them to prospect or work the same; but before the Mining regulations are definitely settled, the practice at present in force shall be followed.

FENGTIEN

Locality.	District.	Mineral.
Niu Hsin T'ai	Pen-hsi	Coal
Tien Shih Fu Kou	Pen-hsi	Coal
Sha Sung Kang	Hai-lung	Coal
T'ieh Ch'ang	Tung-hua	Coal
Nuan Ti T'ang	Chin	Coal
An Shan Chan region	From Liaoyang to Pen-hsi	Iron

KIRIN (southern portion)

Sha Sung Kang	Ho-lung	Coal and iron
Kang Yao	Chi-lin (Kirin)	Coal
Chia P'i Kou	Hua-tien	Gold

I avail, etc.,

(*Signed*) LOU TSENG-TSIANG.

[In reply, acknowledgment by the Japanese Minister.]

Exchange of Notes Respecting Railways and Taxes in South Manchuria and Eastern Inner Mongolia

MONSIEUR LE MINISTRE,

In the name of my Government, I have the honour to make the following declaration to your Government:—

China will hereafter provide funds for building necessary railways in South Manchuria and Eastern Inner Mongolia; if foreign capital is required China may negotiate for a loan with Japanese capitalists first: and further, the Chinese Government, when making a loan in future on the security of the taxes in the above-mentioned places (excluding the salt and customs revenue which have already been pledged by the Chinese Central Government) may negotiate for it with Japanese capitalists first.

I avail, etc.,

(*Signed*) LOU TSENG-TSIANG.

[In reply, acknowledgment by the Japanese Minister.]

Exchange of Notes Respecting the Employment of Advisers in South Manchuria

MONSIEUR LE MINISTRE,

In the name of the Chinese Government, I have the honour to make the following declaration to your Government:—

"Hereafter, if foreign advisers or instructors on political, financial, military or police matters are to be employed in South Manchuria, Japanese may be employed first."

I avail, etc.,

(*Signed*) LOU TSENG-TSIANG.

[In reply, acknowledgment by the Japanese Minister.]

Exchange of Notes Respecting the Explanation of "Lease by Negotiation" in South Manchuria

EXCELLENCY,

I have the honour to state that the term "lease by negotiation" contained in Article 2 of the Treaty respecting South Manchuria and Eastern Inner Mongolia signed this day shall be understood to imply a long-term lease of not more than thirty years and also the possibility of its unconditional renewal.

I avail, etc.,

(*Signed*) HIOKI EKI.

[In reply, acknowledgment by the Chinese Minister of Foreign Affairs.]

Exchange of Notes Respecting the Arrangement for Police Laws and Ordinances and Taxation in South Manchuria and Eastern Inner Mongolia

MONSIEUR LE MINISTRE,

I have the honour to state that the Chinese Authorities will notify the Japanese Consul of the police laws and ordinances and the taxation to which Japanese subjects shall submit according to Article 5 of the Treaty respecting South Manchuria

and Eastern Inner Mongolia signed this day so as to come to an understanding with him before their enforcement.

I avail, etc.,

(*Signed*) Lou Tseng-tsiang.

[In reply, acknowledgment by the Japanese Minister.]

The Postponement of Articles 2, 3, 4 and 5 of the Treaty Respecting South Manchuria and Eastern Inner Mongolia

Monsieur le Ministre,

I have the honour to state that, inasmuch as preparations have to be made regarding Articles 2, 3, 4 and 5 of the Treaty respecting South Manchuria and Eastern Inner Mongolia signed this day, the Chinese Government proposes that the operation of the said Articles be postponed for a period of three months beginning from the date of the signing of the said Treaty.

I hope your Government will agree to this proposal.

I avail, etc.,

(*Signed*) Lou Tseng-tsiang.

[In reply, acknowledgment by the Japanese Minister.]

Exchange of Notes Respecting the Matter of Hanyehping

Monsieur le Ministre,

I have the honour to state that if in future the Hanyehping Company and the Japanese capitalists agree upon coöperation, the Chinese Government, in view of the intimate relations subsisting between the Japanese capitalists and the said Company, will forthwith give its permission. The Chinese Government further agrees not to confiscate the said Company, nor, without the consent of the Japanese capitalists, to convert it into a state enterprise, nor cause it to borrow and use foreign capital other than Japanese.

I avail, etc.,

(*Signed*) Lou Tseng-tsiang.

[In reply, acknowledgment by the Japanese Minister.]

Exchange of Notes Respecting the Fukien Question

EXCELLENCY,

A report has reached me to the effect that the Chinese Government has the intention of permitting foreign nations to establish, on the coast of Fukien Province, dock-yards, coaling stations for military use, naval bases, or to set up other military establishments; and also of borrowing foreign capital for the purpose of setting up the above-mentioned establishments.

I have the honour to request that Your Excellency will be good enough to give me a reply stating whether or not the Chinese Government really entertains such an intention.

I avail, etc.,

(*Signed*) HIOKI EKI.

MONSIEUR LE MINISTRE,

I have the honour to acknowledge the receipt of Your Excellency's note of this day, which I have noted.

In reply I beg to inform you that the Chinese Government hereby declares that it has given no permission to foreign nations to construct, on the coast of Fukien Province, dock-yards, coaling stations for military use, naval bases, or to set up other military establishments; nor does it entertain an intention of borrowing foreign capital for the purpose of setting up the above mentioned establishments.

I avail, etc.,

(*Signed*) LOU TSENG-TSIANG.

Throughout the months while the Japanese-Chinese negotiations were in progress there was curiosity in many quarters, apprehension in some, and hope in a few as to what the United States government would do. China in particular sought to secure some intimation that the United States could be counted on to back her, morally at least, in opposition to the demands. All

other powers were elsewhere occupied. The United States alone was free to give attention to the affair and in a position, if it felt so inclined, to take a hand. Moreover, as the original enunciator of the open door policy and the holder of the pledges of the powers with regard to that policy, the United States was naturally looked to as having special responsibilities, not to mention special interests, when allegations were being made that the open door principles were being infringed.

In the third week in March, Chinese and Japanese press dispatches reported that the United States government had asked questions of the Japanese government with regard to the demands, and the Japanese papers reported that the Japanese government had replied stating that the demands did not in the least infringe upon the principles of equal opportunity and the preservation of the integrity of China, while Japan stood to guarantee these principles with all her forces. The Japanese newspapers reported further that Baron Kato had on his own initiative interviewed the ambassadors of all the powers, the consequence being that no exception had been taken by any European or American power to Japan's claims or attitude. Whatever may have been the truth of these reports and whatever the attitude assumed and the efforts made by the American government, no intimation with regard to the policy of the government was given the people of the United States until May 6, upon which date Mr. Bryan gave to the press in Washington the following statement:

> In order that there may be no misunderstanding of the position of the United States in reference to the negotiations pending between Japan and China, this announcement is made:
>
> At the beginning of negotiations the Japanese government

confidentially informed this government of the matters which were under discussion and accompanied the information by the assurance that Japan had no intention of interfering with either the political independence or territorial integrity of China, and that nothing that she proposed would discriminate against other powers having treaties with China or interfere with the "open door" policy to which all the leading nations are committed.

This government has not only had no thought of surrendering any of its treaty rights with China, but it has never been asked by either Japan or China to make any surrender of these rights. There is no abatement of its interest in the welfare and progress of China and its sole interest in the present negotiations is that they may be concluded in a manner satisfactory to both nations and that the terms of the agreement will not only contribute to the prosperity of both of these great oriental empires but maintain that cordial relationship so essential to the future of both and to the peace of the world.

After the Japanese and Chinese had reached their agreement of May 9, the United States government sent identical notes on May 11 to the two governments, of which that to China read as follows:

In view of the circumstances of the negotiations which have taken place and which are now pending between the Government of China and the Government of Japan and of the agreements which have been reached as a result thereof, the Government of the United States has the honour to notify the Government of the Chinese Republic that it cannot recognize any agreement or undertaking which has been entered into or which may be entered into between the Governments of China and Japan impairing the treaty rights of the United States and its citizens in China, the political or territorial integrity of the Republic of China, or the international policy relative to China commonly known as the Open Door policy.

Some indication has been given above, and more will be given in the following chapters as to whether and to what extent the agreements which were reached impair or threaten to impair sundry of the rights to which the American note refers.

CHAPTER XVIII

JAPAN'S MONROE DOCTRINE FOR ASIA

Among publicists who have followed the recent negotiations perhaps none has made a more searching analysis of the treaties and agreements than has Mr. George Bronson Rea.[1]

In a recent brochure[2] in which he discusses the treaties, Mr. Rea, having quoted the American note referred to at the end of our preceding chapter, says: "The thought at once arises: if Japan's demands did not impair American rights under the existing treaties, why should the pacific and friendly American Government feel constrained to issue such an unmistakable warning to both governments?" [3] He then quotes from the *communiqué* issued by the Chinese government on May 7 for the purpose of explaining China's position to the world. The Chinese *communiqué* concludes:

> It is plain that the Chinese Government proceeded to the fullest extent possible to make concessions. In considering the nature of the course they should take in reference to the ultimatum the Chinese Government was influenced by its desire to preserve the Chinese people, as well as a large number of foreign residents in China from unnecessary suffering, and also to prevent the interests of other friendly Powers from being imperiled.

[1] Formerly editor and now publisher of the *Far Eastern Review.*

[2] "Analysis of the China-Japanese Treaties."

[3] *Op. cit.,* p. 4.

For these reasons the Chinese Government was constrained to comply in full with the ultimatum, but in complying, the Chinese Government disclaims any desire to associate itself with any revision which may thus be effected in the various conventions and agreements concluded between other Powers, with respect to the maintenance of China's territorial independence and integrity, the preservation of the *status quo*, and the principle of equal opportunity for the commerce and industry of all nations in China.

Mr. Rea comments as follows:

. . . America notified China and Japan of her determination to retain all her rights under these treaties, and China has announced that if these or other rights are impaired, Japan is solely responsible.

If there is no impairment of previous treaties in the new arrangements between China and Japan, there can be no just reason for criticism, or future interference of other Powers.[1]

Taking up then the substance and the effect of the Japanese policy and the treaties and agreements which were concluded, Mr. Rea presents evidence to show that Germany's policy in Shantung has in recent years become more and more liberal, tending to nullify the effects of the doctrine of exclusive privilege and to encourage respect for China's sovereign rights. He continues:

Japan's succession to Germany's rights destroys the last hope that China will ever be liberated from those provisions, for in the present treaties this principle [of exclusive privileges] has been expanded and perpetuated in Manchuria, and the attempt made to extend them to Fukien and apply to the iron and steel industry in the Yangtse Valley. . . . . .

[1] "Analysis of the China-Japanese Treaties," p. 5.

The revival of the "Spheres of Influence" policy by Japan, which undermine and subvert the authority of the Chinese Government, and tend to close the door to others, sounds the death knell to the Open Door doctrine. The American Note to China and Japan states, in no uncertain terms, that our Government cannot recognize any impairment of this policy. The issue is created. It exists today as an actual force, and sooner or later must be faced.[1]

Whatever her intentions, Japan has accomplished in regard to China at least five things: she has consolidated her own position in her northern sphere of influence, Manchuria; she has driven the Germans out of their former sphere of influence, Shantung, and has constituted herself successor to Germany's rights; she has given warning that she considers Fukien Province an exclusive sphere for Japanese influence; she has undertaken to invade the British sphere of influence; and she stands in a position to menace and to dictate to the Peking government. A glance at the map of North China will show how completely Peking is at Japan's mercy. In control of Port Arthur and of the Shantung Peninsula, Japan commands the entrance to the Gulf of Pechili, which is the doorway by sea to Tien-tsin and Newchwang. In possession of Tsingtao, Dairen, and (virtually) of Antung and Newchwang, Japan thus commands every important port and harbor north of the Yangtse. With the Manchurian railways penetrating the heart of Manchuria and the Shantung Railway extending to the heart of Shantung—and with the right to extend the latter line to join the Peking-Hankow line, Japan is in a position, should she so choose, at any moment to grind Peking between the millstones of her

[1] "Analysis of the China-Japanese Treaties," pp. 11-12.

military machine. So far as strategy is concerned, Japan has North China commercially, militarily, and politically at her mercy.

The Japanese statesmen, official spokesmen, and publicists affirm that Japan is bent on commercial conquest only. But can a commercial conquest be prosecuted as Japan has been prosecuting hers without injury to the rights of other nations?

Granting for the moment that the conquest may be commercial only, if it succeeds one result must be that European nations along with the United States will suffer, relatively, in their trade with China. This will inevitably drive them to seek other markets. The first alternative markets to be sought will be, logically, in South America. This will increase the competition for the South American trade. The increased competition will tend to produce increased complications—and those complications will be very likely to involve the Monroe Doctrine.

Thus, inevitably, the two leading principles in the foreign policy of the United States, that of the Monroe Doctrine in application to the American continents, and that of the open door in application to China, must be taken into consideration in any attempt to estimate the possible or probable effects of Japan's policy.

In an article entitled "Economic Effect of the Extension of Japan's Spheres of Influence in China," the editor of the *Far Eastern Review* says:

> Experience has shown that in regions in China in which political control is exercised by the Japanese the tendency is for foreign trade other than Japanese to diminish. . . .
>
> It can be seen from the figures . . . that Japanese goods, even when there was some limitation to the control exercised by

Japan over South Manchuria, succeeded in displacing those from other countries. When we turn to Korea . . . it is found that the trade of countries other than Japan is steadily diminishing. . . .

When it is found that in one region in China in which the Japanese exercise political control or influence, the trade of European and American nations succumbs to Japanese state-aided attacks, it is fair to assume that similar results will follow the acquisition of special interests by Japan in other localities. Japan desires to extend her political influence over Eastern Inner Mongolia, Shantung and Fukien. Her avowed ambitions are confined for the moment to the regions named, but there is no guarantee that she will not seek, if opportunity offers, still further extension. As she claims to have acquired as one of the spoils of war the right secured by Germany to extend the railway from Tsinanfu to a point on the Peking-Hankow line, this brings her into Chili, the metropolitan province. If, eventually, she succeeds in obtaining the right to construct the railways connecting Wuchang with Kiukiang and Nanchang, between Nanchang and Hangchow, and between Nanchang and Chaochow, her influence will be extended over Hupeh, Kiangsi, and Kwangtung. . . .

. . . Japan has the advantage of proximity; of cheap labor in factory and steamer; of state aid in the shape of reduced freight charges on the Imperial Railways of Japan, of subsidies to steamship companies, of cheap financial accommodation. . . . Japan's trade with China increased from ninety-six million Haikwan taels in 1905 to one hundred and eighty-five million Haikwan taels in 1913. Her percentage of the foreign trade of China increased from 14 per cent. to nearly 19 per cent., while during the same period the percentage of the trade of the United Kingdom and Hongkong fell from 48 per cent. to less than 41 per cent. . . .

. . . Some Japanese publicists are quite candid in regard to Japan's ambitions. They state that Japan is sufficiently powerful to compel the European and American merchant to

surrender the China market to exclusive Japanese exploitation. Japan professed belief in the open door policy as long as she thought it was advantageous for her to do so, but the time, they declare, has come when Japan can disclose her real policy, that of exclusion. . . .

. . . Japan has revived the policy of Spheres of Influence in China. . . . Is it in the interest of the world that Japan should be allowed to establish a political and commercial hegemony over Asia? The answer is obvious.[1]

As an illustration of the effect of the spheres of influence policy, the recent experience of an American attempt to invest money and give assistance to the Chinese government serves admirably as a case in point.

Several years ago, tentative arrangements were made between the Chinese government and the Bethlehem Steel Corporation, whereby the latter was to loan the former approximately $20,000,000 and to assist in the construction of a dockyard and naval base. Now it happens that Fukien Province is opposite and about a hundred miles distant from the Island of Formosa; that Formosa is Japanese territory (taken from China in 1895); and that Japan never lets it be forgotten that she looks upon Fukien as one of her spheres of influence. As soon as it became known that negotiations were under way between an American company and the Chinese for the perfecting of a naval base on the Fukien coast, the Japanese press began to disseminate the impression that the American government was interested in the project and was seeking to establish a base for itself in Chinese waters. The confusion of this conclusion has not been without its effect upon the reasoning of certain American publicists.

[1] *Far Eastern Review*, May, 1915, pp. 487-491.

The Japanese government knew very well that the United States had no such design, but it was at the same time by no means minded to allow American financial interests to gain a foothold in this heretofore little developed sphere of Japanese influence. Consequently, the Japanese Minister at Washington addressed Mr. Bryan, as Secretary of State, to the effect that his government would consider it an unfriendly act if American capital should be loaned to China for the construction of dockyards in Fukien Province. We have not as yet the documentary evidence, but we have the statements of the Japanese to the effect that Mr. Bryan accepted the Japanese representations in the matter, recognized the precedence of Japan's claims with regard to Fukien, and let it be understood that his government would not countenance the loan. The Chinese government thereupon diplomatically announced that it had no thought of applying the loan in question to the building of a dockyard in Fukien; and the Japanese announced, also diplomatically and through the proper diplomatic channels, that they were glad to have this assurance. With this the matter might have been considered settled—the project for a Chinese dockyard built by an American firm on the Fukien coast was "off." But no, this was not enough. Japan must have assurances for the future, and she must emphasize again as a warning to poachers—especially to the innocently ignorant—the fact that Fukien is to be considered a Japanese preserve. Hence, the insertion—among the recent demands—of Article 6 of Group V: "If China needs foreign capital to work mines, build railways and construct harbor-works (including dockyards) in the Province of Fukien, Japan shall be first consulted." China subsequently undertook, among the recent agree-

ments, not to seek any foreign capital for developments in that province.

First, by diplomatic pressure an American enterprise had been warned away from Fukien. Then the province was hermetically sealed against *any* foreign enterprise. Yet the Japanese government has declared over and over that its policies in no way interfere with the principles of equality of opportunity, and, after the negotiations with China had been concluded, after the American notes to China and Japan had been delivered, Baron Kato declared in the Japanese Diet: "They [the demands] include no item which is incompatible with the principle of territorial integrity, equal opportunities and the open door, which the Imperial Government have in the interest of China declared from time to time."

The Japanese have justified each and all of the features in their China policy by one or more of the following contentions: (1) that Japan must have room for colonization, and that Manchuria and Eastern Inner Mongolia are legitimate fields for her expansion; (2) that Japan must have room for commercial expansion, and all China is a legitimate field for that expansion; (3) that in her political activities Japan is merely endeavoring to protect China against her own weakness which is a menace at once to China and to Japan; and (4) that it is Japan's duty and her purpose to maintain the peace of the Far East.

The purport of these propositions has been unofficially embodied in a convenient phrase which has been most curiously exploited of late: "Japan's Monroe Doctrine for Asia." [1]

[1] It must be understood that there has been no *official* enunciation of any "Doctrine."

Mr. Hudson Maxim, in his book on "Defenseless America," [1] relates how several years ago a Japanese diplomat remarked to him that some day Japan would set up a Monroe Doctrine for Asia, but that, unlike ourselves, Japan would be able to defend and enforce her doctrine. Well, the sanction of such a doctrine is now being invoked.

Let us examine this "Monroe Doctrine": is there an analogy between Japan's position and attitude with regard to China—and Asia—and the position and attitude of the United States in reference to the countries of Central and South America? Does Japan propose to pursue a policy in relation to China and the powers such as the United States has pursued under the aegis of the Monroe Doctrine in relation to South America and Europe?

The Monroe Doctrine was originally enunciated as the "result of apprehensions" that a combination of European powers was about to interfere in South America to restore the authority of Spain over colonies which had by revolution effected their independence.

We declared, not to the American states but to the European governments, that (1) "by the free and independent condition which they have assumed and maintained, [the American continents] are henceforth not to be considered as subjects for future colonization by any European powers"; and (2) "that we should consider any attempt [on the part of the European states] to extend their system to any part of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European state, we have not interfered and shall not interfere."

We sought defense—both for ourselves and for the

[1] P. 62.

other American states. We did not endeavor in any way to restrain or coerce the other American states.

Ourselves the largest, the most populous, and the richest country in America, we sought to protect the smaller, weaker, less wealthy countries against foreign aggression. Of course this was for our own benefit. But we asked for no position of special privilege for ourselves at the expense either of these smaller nations or of Europe.

Japan, infinitely smaller, less populous, less rich than China and India, sets herself up and demands—not of Europe that it keep hands off, not of all Asia that it bar Europe—but of China that she simultaneously grant great and special privileges to Japan and agree not to give favors to other countries.

Can Japan set up a Monroe Doctrine—for Asia? The Russian Empire includes 6,500,000 square miles of territory in Asia; the British Empire includes 2,000,000 square miles, with a population of 325,000,000. The total of European possessions in Asia is 9,500,000 square miles, or more than one-half of the total area, with a population of 400,000,000, or four-ninths of the total 900,000,000. The Chinese Empire alone is territorially sixteen times as large as the Japanese Empire; and China proper, i. e. the Middle Kingdom, is more than ten times the size of Japan; while China's population is from six to eight times that of Japan. Yet Japan talks of protecting Asia against European and other foreign aggressions!

It was a part of American foreign policy, and it has been substantially a corollary of the Monroe Doctrine, that we keep out of "entangling alliances" and refrain from participation in European politics. We recognized the *status quo* in South America and declared that

the Monroe Doctrine was to apply to the future only.[1] Japan has made the existence of her entangling alliance with one European power the chief excuse for going to war with another. She has upset the *status quo* in China and has made the doctrine retroactive. If she can employ these instruments and doctrines today to the driving out of one set of European interests, why not tomorrow for another?

The United States has never asked any American state for special privileges or self-denying promises in any way comparable to those which Japan has exacted of China. True, we asked for and secured the Canal Zone in Panama and we have assumed a quasi-protectorate over Haiti and San Domingo and in a sense over Cuba—but consider the circumstances!

Japan is setting up this new doctrine against whom? Against Europe in particular—but in general against the Occident. "Asia," we are told, is to be preserved "for Asiatics." But what Occidental nations have interests in the Far East? First Great Britain, Japan's ally. The British have a huge empire and enormous commercial interests in Asia. Next, France—now Japan's temporary ally. Then, Russia—every step in whose China policy since 1905 has been taken with the approval of and hand in hand with Japan. Finally, Germany—all of whose possessions in the Far East have, temporarily at least, been taken away from her. None of these countries, except Russia, has made any forward move at China's expense since 1900. Not one—except Russia—has in recent years manifested a desire to assume political control in any part of China. The most important of all, Great Britain, can be shown to be de-

[1] "With the existing colonies or dependencies of any European power we have not interfered and shall not interfere."

cidedly averse to burdening herself with any administrative responsibilities in China. The United States has possessions in the Pacific but has never attempted to get a territorial foothold on the continent of Asia.

It is true that the American Monroe Doctrine has apparently meant different things at different times and to different people; but it does not require a profound knowledge of history to understand that certain things have *not* been done either in the name of or in spite of that doctrine. We have never, for instance, made particular demands upon a neighboring state, requiring that it refrain from granting concessions to any third power and at the same time turn over to us concessions already granted to another power and give us new and special privileges in addition. We have never, in time of peace and when there was no offense on the part of a neighbor, said: "You are weak, your administration is ineffective; therefore for your good and ours we consider it our duty to come in and see to it that you manage your affairs as we think they ought to be managed."

When we are told that Japan is simply establishing a Monroe Doctrine for the Far East, we may be inclined, or we may not, to approve. But we should not be misled by the implication of a name. We should recognize this difference: the American Monroe Doctrine is defensive and all excluding; the Japanese Monroe Doctrine is aggressive and not self-excluding.[1]

Japan makes much of the proposition that it is her desire and purpose to help China, to interpret the West to the East, to be the leader in the regeneration of Asia.

[1] See further upon this point the quotations from Mr. Frederick McCormick and Professor Jeremiah W. Jenks at the end of this chapter.

The order is a large one. Is the undertaking practical? Between the social and political ideas and ideals of the Japanese and the Chinese, there is a wide gulf; the backgrounds in the two countries are as unlike as are those of the United States and Prussia. China was for centuries Japan's tutor in ethics, philosophy, literature, and art. What Japan knows of the West she has learned only in recent years. Japan can give China lessons in efficiency, in system, and in military organization; but what else has she to contribute?

Japan has no money to invest in China. Are the methods which she has been pursuing likely to make her popular with the loaning countries—England, France, and the United States? Can she persuade them to furnish capital and become silent partners in her undertakings? Comparing assets and liabilities, China is better off financially than is Japan. Japanese merchants can give the Chinese useful lessons in the conduct of big business and coöperative enterprise, but not in commercial honesty and routine trade.

The Japanese have not yet worked out a harmoniously operating, modernized governmental system for themselves. Japanese politics are not free from some of the corrupt practices which are criticized in those of China. Japanese court procedure and administration of justice are still below Occidental standards. Japan has anything but a happy course to run in public finance. Is it to be wondered at that the Chinese hesitate to embrace Japan's profession of friendship and to accept the Japanese as their political mentors and commercial guides?

Peace advocates have caught at Japan's repeated declarations that her great object is to insure the peace of the Far East. It can readily be demonstrated from

history that Japan has *not* up to date been the preserver of peace in the Far East, but the contrary.

The question of the peace of the Far East lies with the fate of China. If China can develop strength to defend her own integrity, the peace of the Orient may be preserved. If the partition of China once seriously begins, nothing will save the Far East for the next several decades from being a theater of aggression, conflict, and political redistribution.

In taking advantage of the distraction of the European powers as she has done, Japan has upset the balance which it was one of the principal objects of the powers in their activities from 1897 to 1901 to preserve, and she has created a situation which will almost surely lead to further upset as soon as the European nations have concluded the war and reëstablished peace among themselves in the West. Each and all of the treaty powers have, under the operation of the most-favored-nation clause, the right to demand of China concessions by way of compensation for what any *one* gets.

The powers may, then, come forward and demand compensations—always at China's expense, in spite of Japan's No Trespass sign. Or, some of them may attempt to restrain Japan. Or, they may choose or find it necessary to leave the Far East alone and let Japan pursue her policies unmolested. Unless the powers *do* interfere in one way or another, it would seem that one of two things must happen: either China will pass under the tutelage—if not the vassalage—of Japan; or China will have to fight to preserve herself from national extinction.

In any case, the unfolding of Japan's Monroe Doctrine policy will have very different effects in the sphere to which it is intended to apply from those which have

been consequent upon the enunciation of President Monroe's American doctrine nearly one hundred years ago.

EXTRACT FROM AN ARTICLE, "GETTING RID OF THE UNITED STATES IN FAR EAST," BY FREDERICK McCORMICK. *NEW YORK TIMES,* MAY 16 1915.

After the Treaty of Portsmouth, when Secretary Root let go the reins of power which Secretary Hay had held in East Asia, allowing Komura to seize them, and turned his attention to Latin America, the idea of a "Monroe Doctrine" for East Asia was invented in Japan. The idea was grotesque and its merits rested solely in its appeal to the vanity and credulity of the great English-speaking people of America. To carry out Komura's plan of state for unrestricted and indefinite expansion upon the continent Japan had to eliminate us—the open-door country. It was a kind of swallowing act, ludicrous, and showing that the champions of national policy were rather hard put in order to name Komura's plan of state before the world.

The attempt of turning the open door into a "Monroe Doctrine" had its awkward side. Monroeism in the Western Hemisphere is guardianship of the weak in their right of unhampered self-development. Japan's needs—she had everything to ask—which are the soul of her policy, were the exact negative of this. Komura in the beginning declared before the Diet the policy of relieving the overcrowding at home in Japan by free immigration into Korea and South Manchuria as a part of the new plan of state. Not long after this began, Korea was annexed! In five years Japan's immigration had expanded beyond her concessions in South Manchuria, and she has now forced upon China land and industrial rights for Japanese, not only throughout South Manchuria but Eastern Mongolia.

In Latin America there is no such thing as extra-territoriality, or any division of sovereignty, or any interference of any outsiders in the foreign affairs of its countries. Backed by military force, Japan not only exercises but extends in China all of these, to which she adds control of all com-

merce, industry, and development in the line of her expansion. Lacking everything which China has to give, Japan, therefore, in the disguise of the "Monroe Doctrine" for East Asia is a veritable wolf in sheep's clothing. The absurdities of the adventure have prevented any authoritative enunciation of it in Japan, and its most intelligent champions grasped the nettle at the outset by admitting that from the point of view of the Japanese a "Monroe Doctrine" in East Asia would mean the control of China by Japan to the exclusion of all other States. Between the "wolf in sheep's clothing" and the "dog in the manger" thus offered to her, the "Monroe Doctrine" of East Asia holds out no tenable position.

EXTRACT FROM A LETTER BY PROF. JEREMIAH W. JENKS. *NEW YORK TIMES,* DECEMBER 10, 1915.

With regard to the alleged analogy between China's position toward Japan and Mexico's position in relation to the United States, I should like to say just this: What is frequently referred to as the Asiatic Monroe Doctrine, if it were for the protection and not for the molestation of China, would not be, I think, unacceptable to Americans who desire to help maintain a lasting peace in Asia. Such a doctrine was, in fact, prescribed and promoted by Mr. Hay and by Mr. Root. But the trouble is that certain Japanese who are now advocating what they call a Japanese Monroe Doctrine regarding China inject into their arguments and policies arguments and policies which Americans have never applied nor would they now apply toward our Latin-American neighbors. China is not assisted toward an acceptance of Japanese intervention by Japan's record in Korea and Southern Manchuria. Any extension of political influence of this sort is naturally regarded in China as an assault, deliberately intended, upon China's sovereignty.

CHAPTER XIX

JAPAN AND THE UNITED STATES

When the Russo-Japanese War broke out in 1904, the United States and Japan had enjoyed a period of just fifty years of close and substantially unbroken friendship. A half-century before, the United States had persuaded Japan to give up her isolation, renounce her hermit habits, and become a participant in the society of nations. Japan was not seeking international relations; she wished to be left alone. The United States forced her to accept a proffer of "firm, lasting and sincere friendship," which meant the opening of her doors and the abandoning of her long-established policy of seeking national security by avoiding international relations.

Disgruntled and dismayed at first, the Japanese soon determined to make the best of the new situation; before long they began to enjoy their new outlook and their new opportunities. Finally they came to regard the United States as a friend, a nation which had done them a favor, a teacher, a source of new inspiration.

The United States first among Western nations made a treaty of amity with Japan (1854). It was the United States which made, three years later, the first of the series of Japan's commercial treaties. The United States was subsequently the first nation ready to grant Japan the revision of treaties for which she asked.[1] It

[1] The United States made a treaty revision with Japan in 1878

was to the United States that Japan's first formal diplomatic embassy to a Western country was sent. The United States was foremost in giving assistance to the Japanese during the period in which they were working for the complete recognition of their international majority. In dealing with Japan, as with China, the United States has been the last among the nations to think of resorting to force or harsh measures. Here, as in China, the American people have an enviable record as educators. Commodore Perry took to Japan among the gifts of his government to the Emperor a complete miniature railway, an electric telegraph outfit, telescopes, sewing-machines, clocks, stoves, agricultural implements and machinery, standard scales, maps, charts, etc. He laid railway tracks on the shore of Yedo Bay and ran a real locomotive, which pulled real cars, demonstrating for the first time to the astonished Japanese the power of steam. Ever since, we have been offering and giving to Japan, along with China, all that either has wished to have of the best products—along with some not the best—of Western thought and Western science. A very considerable number of Japan's most influential and most useful advisers, both official and unofficial, have been Americans.

When the United States failed and Japan succeeded in opening up Korea, the American government was pleased with the Japanese success. When Japan and China were about to go to war over interests in Korea, the United States government refused to join England in a proposed joint offer of mediation, which, had it been presented, would have put restraint upon Japan.

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which did not go into effect because the other powers were not disposed to make similar revisions. Hence the British treaty of 1894 was actually the first of the revised treaties which became effective.

Left alone, Japan defeated China and thereby prepared the way for the second phase of her career of expansion. From 1899 to 1905 the United States, Great Britain, and Japan coöperated in opposing the aggressive movements of Russia in Manchuria—which were a menace to Japan's interests more than to those of any other country after China. England's financial and moral backing made possible Japan's attack upon and victory over Russia in 1904-1905, and during the war the sympathies of the United States were with Japan and such material assistance as may come from the subjects of a neutral nation was freely given her. But for the intervention of President Roosevelt and the aid of other Americans at the Portsmouth conference, the war might easily have gone on, Japan's exhaustion have become apparent, and Japan ultimately have been defeated by Russia. If ever a country has owed a debt of gratitude to other nations, Japan owes such a debt to the United States and England, for the friendship and assistance of these two nations have contributed enormously among the elements which have made possible Japan's rapid rise as a modern nation and a world power.

Thus, Japan had up to 1905 reasons for nothing but good will toward the United States, and the two countries were at that time on the best of terms with each other. Since 1905 there has come a change.

What, then, has wrought the change? Why the recent sporadic evidences of a decline in the cordiality of our relations? Why have we come to distrust Japan? What are the Japanese complaints against us? Why is there friction and why in some quarters the assertion, met in others by the denial, of the possibility of war between the two countries?

The fault lies partly with Japan and partly with the United States—in proportions about which there is ample difference of opinion. Before considering the immediate causes of the difficulty it will be well to have an understanding of certain fundamental and underlying facts which will show why it is essentially inevitable that there should be some friction between us.

Japan is an island country. Its relation to the continent of Asia is like that of England to the continent of Europe. In territory Japan proper embraces an area a little larger than that of the British Isles. Its population exceeds that of the United Kingdom. It has less of arable land. The British have long had to seek beyond their own borders room and opportunities for their excess population. A seafaring people, they took naturally and with success to the building up of an empire, of two empires, one territorial, the other commercial.

Situated like the English—the Japanese felt the internal pressure and the outward call and have entered upon a career of expansion. Having studied the history of Europe, they have taken to applying the methods of Europe. There is a great difference, however, in the circumstances. The English began their expansion in the early years of the seventeenth century and the Japanese theirs at the end of the nineteenth century. The world, in the interval, has greatly changed and conditions are vastly altered.

During the fifty years in which Japan was readjusting herself to the new situation which was thrust upon her in 1853, the people of the United States were busily engaged in the settlement of their great West and in establishing themselves as an industrial nation. Some of our statesmen had earlier foreseen that ultimately

we would have a great interest in the destinies of the Pacific Ocean. But it was not until after the Japanese defeat of China—which marked Japan's first important step on the road toward empire—that we, through the war with Spain and the acquisition of Hawaii and the Philippines, acquired a political interest in the Pacific beyond our own shores.

John Hay saw something of what the future had in store; he had a vision of the commercial possibilities of the Orient and of our needs; he realized that the expansion of American trade interests in the Pacific was as logical as it was right. He was at the same time a high-minded and just statesman. He did not desire for his country the domination of the Pacific. He was bent upon no political aggression. He was opposed to European, and he had no thought of American conquests in Asia. With the English, he looked with apprehension upon Russia's forward move as directed against China and Korea and menacing Japan. He disliked the concession-getting competition of the European nations between 1895 and 1898, which seemed to foreshadow the partition of China.

It was for these reasons that he came forward in 1899 with his open door policy. It was on this account that he led in 1900 in the endeavor to safeguard the territorial integrity of China.

The great nations of Europe, together with the Japanese, accepted Secretary Hay's suggestions and pledged their adherence to the open door and the integrity of China policies, thus becoming bound by formal diplomatic exchanges with the United States, and in some cases by notes between themselves, to these policies.

Then came the Russian advance in Manchuria. The

United States, Japan, and England protested. Japan and England formed the Anglo-Japanese Alliance. Russia refused to discuss the Manchurian question with Japan. Japan, declaring that she was doing so in defense of the open door policy, in defense of Korea's integrity, in defense of China's rights in Manchuria, and in defense of her own future existence, took up arms against Russia. The Japanese defeated the Russian forces both on land and at sea, but their victory was not decisive. Russia, though her armies were routed at Mukden, was not beaten. Then came President Roosevelt's suggestion of a truce—followed by his mediation—which brought the peace of Portsmouth.

By the treaty Russia recognized Japan's exclusive interest in Korea, divided her own interests in Manchuria with Japan, and agreed, mutually with Japan, to observe the open door principles. The Anglo-Japanese Alliance was renewed, England recognizing the paramount interest of Japan in Korea, and both parties reaffirmed the principles of the open door and the integrity of China. The Japanese then got the Chinese to confirm the terms of the Portsmouth Treaty in so far as Chinese territory and interests were concerned, and, going further, drafted the secret protocols which were soon to become a source of great embarrassment to China, of annoyance to other countries—especially the United States—and of general suspicion toward Japan.

In the ten years which have ensued, Japan's Korean and Manchurian policies have given constantly broader intimations of the existence of an imperialistic purpose. Suspicions have been confirmed by the rapid unfolding of Japan's plans since she stepped last August into the present world war.

To disinterested observers who have followed the course of events in Manchuria, with Russia in the North and Japan in the South, the two working now separately, now together, the evidences lead to but one conclusion: that these two countries are bent upon the absorption of that region. Whether it is to be divided between them or all to be taken by one of them, or whether China will be able to retain a part, remains for time to tell. The Russian and the Japanese governments, though pledged to both, approve of neither of the two fundamental principles of American policy in the Far East—the open door and the integrity of China.

The high-handed methods by which Japan has had her way in the numerous controversies in which she has been engaged with China almost continuously during these years have driven the sympathy of American observers to the side of China and rendered them antagonistic to Japan. In addition to the repeated instances of resort to force or threats of force to gain her points in Manchuria and in diplomatic controversies over other matters elsewhere, it is well known that Japan played a double game with the Chinese government during the revolution, that certain Japanese officers gave assistance to the rebels in 1913, that the Japanese made exorbitant demands for indemnity for the losses to their trade occasioned by the Chinese Revolution, and that they have put obstacles in the way of the success of the new government. Last of all, there has come the conquest of Shantung and the subsequent attack, through the Twenty-one Demands, upon China's sovereignty.

There is, however, as between the United States and Japan, another side to the account. The Japanese have their grievances against the United States.

To the fundamental fact referred to earlier in this chapter—that Japan requires room for her excess population and outlets for her expanding commerce—we must link another consideration which is inherent and of inevitable consequences. The Japanese are one of the proudest and probably the most sensitive of nations. In addition, they are polite—very polite. Chivalry is a part of their social code. Japanese chivalry is, however, not unlike chivalry as it was practiced in medieval Europe, a code which calls for a very nice regard for equals but not so much consideration for inferiors.

We of the United States are not conspicuously polite. Our methods have a directness which is often disconcerting, especially so to people used to formality and elaborate courtesy. The more sensitive the people whom we are addressing, the greater the likelihood that they will take offense—even though we mean no offense. We have been brusque with some countries and they have not minded. We have been anything but polite in some of our dealings with the Chinese, and they have not bothered very much about it.[1] But when we became impolite to the Japanese, they minded. Both proud and sensitive, used to politeness between equals, the Japanese, finding us impolite, have been hurt and incensed. To be treated impolitely was to be treated as inferiors. The Japanese consider themselves the superiors of other Oriental nations. They have even taken exception to being classed as "Orientals." They reason as follows: Have we not won our way into the family of nations? Have we not defeated a great Western nation in battle? Are we not and have we not demonstrated ourselves the equals in civilization and achievement of the white races? Are we to stand the insult of impolite treatment, of dis-

[1] The Boycott of 1905 was a notable exception.

criminatory legislation which conveys the implication that we are inferior or undesirable and puts us in a common class with other Orientals?

The laws of the United States authorize the naturalization of white men and black men as American citizens. Our courts have classed Japanese as of the yellow race and therefore not entitled to the privilege of naturalization. This, however, was not enough. After our annexation of Hawaii, Japanese immigrants began to come to our shores in increasing numbers. Most of these newcomers settled in the western coast states. Just as the influx of the Chinese half a century before had resulted in a competition in the labor market which led to agitation by the labor elements in the western states which ultimately resulted in our Chinese exclusion laws, there soon sprang up an anti-Japanese agitation—chiefly in California. This agitation arose out of an economic situation. It is true, there is something of race prejudice in it—but that was not the origin of the difficulty. We had welcomed the Japanese gentlemen who came among us, the diplomats and students, just as we welcome the Chinese of the same classes; and we have gotten on well with them. It was the coming into competition of the Japanese laborer and the American laborer that caused trouble. Race prejudice was evoked and made an instrument in the battle which the white laborer began to wage against the new competitor. The people of the United States, the people of California did not mean to insult the Japanese nation. But the methods which the people of California used were impolite and were taken by the Japanese as an insult.

The San Francisco School Board was prevailed upon by local influences to make rulings which discriminated

against Japanese—no, against all Orientals—to the extent of requiring that they attend schools separate from those attended by white children.

The immediate contention was settled by the intervention of President Roosevelt in 1907. It was agreed between the San Francisco School Board and Mr. Roosevelt that the former should require examinations of all "alien" children and might, if they were above ten years of age, send them to a special school. No specific mention was made of "Japanese." At the same time the President undertook to secure by some method a limitation of Japanese immigration.

In pursuit of this policy, and with the approval of Japan, there was inserted in our new Immigration Act of February 25, 1907, a clause providing that the President might refuse entrance to the United States to certain classes of immigrants. Then by the so-called "gentlemen's agreement" [1] between the two countries, the Japanese government undertook to prevent the emigration from Japan of laborers seeking to go to the United States. There was thus avoided on the part of the United States any specific discrimination against Japanese.

When, soon after this, the Japanese government undertook to revise its commercial treaties with European countries to replace treaties which were expiring in 1911, it requested the American government to negotiate for the revision of the United States-Japanese Treaty. Although the American treaty was not to expire until 1912, our government promptly acceded to the Japanese request, thus enabling Japan to put her new tariffs into effect earlier than she could otherwise have done. In the treaty which was then drawn up and ratified

[1] 1908.

no mention was made of the immigration question, but in an appended declaration the Japanese Plenipotentiary affirmed on behalf of his government that Japan was "fully prepared to maintain with equal effectiveness the limitation and control which they have for the past three years exercised in regulation of emigration of laborers to the United States."

The 1907 settlement of the school question did not, however, end the anti-Japanese agitation, and various methods were employed in California to make the Japanese uncomfortable. Finally, in January, 1913, various anti-Japanese bills, in all about forty, were introduced in the California legislature. The legislature adjourned in March for a month's recess. Reports of these bills went to Tokyo and throughout the United States. In Japan the jingo press began to talk war, and in the United States the Eastern newspapers denounced the California legislature and the people of California. Certain observers have declared that it was the Japanese threats and the Eastern criticism that crystallized the determination of the California legislature to pass some of these bills. Be that as it may, in spite of threats and protests, in spite of President Wilson's representations and of Mr. Bryan's personal appeal, the legislature passed that one of the bills to which most exception was taken, namely, the Heney-Webb Bill—which provided that aliens not eligible to citizenship should not hold or acquire land in California, and the Governor signed the act on May 19, 1913.

The actual provisions of this law were framed in such a way as to contain no express reference to Japanese and thus not to constitute in form a discrimination against Japanese. They read as follows:

Section 1. All aliens eligible to citizenship under the laws of the United States may acquire, possess, enjoy, transmit, and inherit real property, or any interest therein, in this state in the same manner and to the same extent as citizens of the United States, except as otherwise provided by the laws of this state.

Section 2. All aliens other than those mentioned in Section 1 of this act may acquire, possess, enjoy and transmit real property or any interest therein, in this state in the manner and the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise, and may, in addition thereto, lease lands in this state for agricultural purposes for a term not exceeding three years.

The Japanese public was greatly incensed and there was again talk in the Japanese press of war. It was known in the Far East, and it has recently been declared in Congress, that the United States military forces in the Philippines were apprehensive of a descent upon the Islands and that they were in constant readiness for action. Viscount Chinda, the Japanese Ambassador at Washington, made repeated representations to Mr. Bryan, and the matter was discussed between the two for over a year. The correspondence in the case was, upon the suggestion of Japan, made public in June, 1914. The two governments had at one time entertained a proposal to conclude a special convention to cover the case, but when the Okuma Cabinet assumed office in Japan in April, 1914, it was, apparently, averse to this. It had been proposed also, and it was popularly expected for a long time, that the Japanese would bring a test case into the United States courts to test the constitutionality of the law. Japan

declined to follow this course, on the ground that the issue lay between the two governments, and was therefore properly amenable to diplomatic processes; and that, inasmuch as the burden of such litigation was not put upon other aliens, the very fact of resorting to it would be to the disadvantage of Japanese and thereby constitute a discrimination. It was even suggested as a counterproposal that legal procedure looking to the preservation of treaty rights ought to be initiated by the United States government.

The treaty clause to which the Japanese looked for their rights reads as follows:

> Article 1. The citizens or subjects of each of the High Contracting Parties shall have liberty to enter, travel, and reside in the territories of the other to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established.
>
> They shall not be compelled, under any pretext whatever, to pay any charges or taxes other or higher than those that are or may be paid by native citizens or subjects.[1]

Articles IV and XIV of the treaty guarantee reciprocal "most-favored-nation treatment" in commerce and navigation. Nothing is specified, however, as to the holding of the land for *agricultural* purposes. The Court would have to rule as to whether "commercial purposes" include agricultural, and perhaps as to the authority of the state legislature. It is not likely that

[1] Treaty of Commerce and Navigation, United States–Japan, February 21, 1911. (Proclaimed on April 5, 1911.)

the law would be declared unconstitutional—but if it were, other laws, both federal and state, would be called in question.

As the sponsors for the legislation pointed out to Mr. Bryan, the California statute is so drawn that it does not in itself discriminate against *Japanese;* it applies equally and alike to all "aliens ineligible to citizenship"; and the qualifications as to eligibility to citizenship have been established by the federal government.

This does not alter the fact that as between the United States and Japan the law raises an issue. The question of discrimination against Japanese, or against people of any other nation, is a question which involves the whole United States, and laws whose practical effect is that of discrimination raise an issue for which the people discriminated against hold the United States responsible.

It is the establishing of distinctions that annoys the Japanese. They care a very great deal for what they consider their rights. They are sensitive to anything which appears to them to affect their national honor. They object to any barriers which establish for them a less favored treatment than that accorded to other nations. They insist upon recognition of the complete legal equality of Japan and Japanese subjects with other states and other nations.

The point at issue is thus clear, but the problem is not the less complicated. Politically, there is the question of the right of the United States to make discriminatory immigration laws, and of the expediency of doing so; there is the question of the respective rights of the federal and the state governments in dealing with aliens. Economically, there is the question of competition. Sociologically, there is the question of race

prejudice. This is the hardest of all to deal with. You may coerce states by legislation, you may regulate competition. But you cannot eliminate race prejudices except by educational, affecting psychological, processes —if then. It is suggested by some authorities that race prejudices are due to ineradicable physiological differences. This much is certain: it is futile for the people of the other parts of the United States, who have no Japanese problem among themselves, to rail at the people of the west coast and denounce them as unreasonable and unthinking—just as futile as for the Northerner to condemn and scold the Southerner for his feeling with regard to the negro problem. Races exist, race prejudices exist. We cannot eliminate races. We may be able to resolve the prejudices—but not by mere legislation or judicial interpretation, and not in a day. The California legislation may be very unwise; that it was passed may be very regrettable. But the Japanese problem is for the United States a far greater problem than that of resolving these immediate difficulties—and it will have to be dealt with in a greater way than by denunciation and coercion. The problem of Japanese immigration and the rights of Japanese in the United States will have to be worked out on a basis of patience and by a process of real education of the public on both sides.

The Japanese government is not desperately solicitous that its subjects shall possess the privilege of holding land in California. Japan's interests do not lie on this side of the Pacific. The Japanese government has no desire to encourage emigration of its subjects to a foreign soil, still less to encourage their expatriation. Expansion in Asia, colonization under the Japanese flag, are what it seeks to promote—and for this pur-

pose Korea and South Manchuria are at Japan's disposal. The Japanese government, like the German, wishes to keep its subjects within its dominions. But the California issue supplies Japan with a convenient political weapon. This it can hold over the head of the American government—and it has done so—causing the latter nervousness and embarrassment. This it can use to divert the attention of the American people from the Far East. When we incline to become querulous on the subject of the open door, Japan can say: "Look at your own discriminatory legislation." When we presume to complain of Japan's treatment of the Chinese, Japan can refer us to the beam in our own eye. Above all, the Japanese are determined that we shall not interfere with them in their Asian policies—and to that end they will make the most of such situations within our borders as may serve to put us on the defensive and keep our thoughts on our own side of the Pacific.

At the same time, ironically enough, the character of Japan's activities, rather than any inclination of ours to interfere in the affairs of other people, is what keeps calling our attention to the far side of the Pacific. The Japanese advance in Manchuria served, until August, 1914, perhaps more effectively than did any other feature in contemporary developments, to keep our attention critically fixed upon problems of Far Eastern politics.

New problems as between ourselves and Japan have been created as a result of Japan's conquest of Germany's holdings in China and the German colonies in the Pacific, and through Japan's recent diplomatic victory over China.

Their descent upon Kiaochow, together with the declared reasons for that action and the subsequent increase in Japan's naval and military appropriations, have given rise to renewed apprehensions. The acquisition of the German islands brings Japan nearer our holdings in the Pacific.

If Japan has felt it necessary to drive the Germans from Shantung and the islands of the Pacific in order to remove a menace to her own security and to insure the peace of the Far East, may she not feel that she must drive the Americans from the Philippines to the same end?

Must not the American possession of the Philippines be a menace in the eyes of Japanese strategists to the security of Japan and Japan's policies? Are not the Philippines the vulnerable spot at which the Japanese can strike the United States, either tentatively—in diplomacy—or actually—with armed force? It matters not whether the Japanese "want" the Philippines. The United States did not want them—but we took them. We did not need them, but we *have* them. If Japan feels that our possession of them is a menace to her, she will wish that menace removed. Should she conclude to strike us, she would as a matter of course seize them, and then it would be the unpleasant and difficult task of the United States to fight on the offensive for their recovery. It may or may not be true that we *do not want* the Philippines, or that we would profit by being rid of them; we would, nevertheless, resent and resist any effort to *take them away from us.* The same line of reasoning might be applied, though with less immediate significance, to the case of the Hawaiian Islands.

From the point of view of legitimate needs, Japan can with far more reason claim the Philippines as a

necessary and natural field for Japanese civilizing activities than can we for ours. As to Hawaii: Honolulu is 2,100 miles from San Francisco and 3,200 from Yokohama. If, from the point of view of naval strategy, we need the Hawaiian Islands as a defensive outpost and mid-Pacific naval base, may not the Japanese feel the need for themselves of the same islands for the same purposes?

Japan has her grievances against the United States, as we have shown above, and recently no less responsible men than Count Okuma, the Premier, and Baron Shibusawa, the foremost financier of the Empire, have openly declared that the United States must mend its methods in dealing with the Japanese as a people and must recognize Japan's determination to predominate in the commercial development of the Far East.

We have seen elsewhere how the conclusion of the recent Japanese-Chinese agreements affects adversely at least one American attempt at investment and how Japan's policies run counter at many points to the traditional policy of the United States in China.

It has been suggested, also, that, just as surely as Japan's trade is by political fostering enabled to gain an artificial and disproportionate increase in China's markets, or as the commerce of other nations is actually driven away or excluded from China, just so surely will the United States be prominent among the sufferers, and just so surely will the likelihood of friction among the nations be increased, not only in the Far East but, as an indirect result, in the Western Hemisphere as well.

Economic, commercial, racial, and political features and considerations; the facts of competition; and di-

versity in ideals enter into the problem of Japanese-American relations. The private persons, the societies, the statesmen in both countries who are interested in the furtherance of the cause of amicable relations must bring themselves to an understanding of the facts, and must face the realities. Sentimental theorizing; the exchange of pretty compliments and polite assurances of mutual good will; the publication of none but pleasing truths; campaigns of education by inspired and expurgated accounts—in essence a process of deliberate deception; magnification of historical virtues with a view to establishing by implication a character for contemporary rightness and righteousness—a logical *non sequitur;* dogmatic optimism; denunciation of those who—being inquisitively and analytically minded—refuse to accept mere *assurances* as conclusive; these processes may postpone possible clashes, but they will not remove the latent and potential causes of friction inherent in the respective situations, the economic needs, and the diversity in institutions, ideals, and aspirations of our two peoples.

Nothing but honest education, an approximation of like standards and ideas, fairness, patience, sympathy, recognition, on each side, of the political necessities and the legitimate interests of the other, and mutual determination neither deliberately to give nor deliberately to take offense will enable the people of the United States and of Japan—while continuing in the course of competition and rivalry which they must inevitably pursue—to remain friends and at peace.

BARON KATO ON JAPAN'S ATTITUDE TOWARD THE CALIFORNIA QUESTION

Extract from a speech by Baron Kato, Japanese Minister of Foreign Affairs, at a dinner given by the Association Concordia in honor of Professor Shailer Mathews and Dr. Sydney L. Gulick (February 10, 1915).

That [California] question is not, I believe, of any great importance so far as the material interests involved are concerned; nor do I believe that it will lead to any really serious issues between the two nations. Nevertheless, the question, I must confess, is a very irritating one to the Japanese. . . .

What we regard as very unpleasant about the California question is the discrimination made against our people in distinction to some other nations. We would not mind disabilities if they were equally applicable to all nations. We are not vain enough to consider ourselves at the very forefront of civilization; we know that we still have much to learn from the West. But we may be pardoned if we think ourselves ahead of any other Asiatic people and as good as some of the European nations.

But questions like this require time to settle. It must at the same time be remembered that we cannot rest satisfied until this question is finally and properly settled. I have, however, no doubt that, as the American and Japanese Governments are actuated by a genuine desire to come to an amicable agreement, the question under consideration will ultimately be satisfactorily solved.

CHAPTER XX

CHINA AND THE UNITED STATES

THE people of the United States began to take an interest in China just a century and a quarter ago, when, in 1784, our traders first reached Canton in the fast sailing ship, *Empress of China.* We began our relations with Japan just one-half that time ago. We assumed our first obligations in the Philippines less than twenty years ago. Now there are about 4,000 Americans in China, some 1,600 in Japan, and about 8,000 civilians and 12,000 soldiers in the Philippines.

We went to the Far East last among the six Western peoples who have influenced its course of modern development. We were not at the beginning, nor have we been at any time since, moved by the spirit of conquest and exploitation. Our interests have been commercial, our disposition friendly, our inclination toward helpfulness. Some of our statesmen, though apparently none too many, have seen the great importance which the Pacific is destined to have for us. Secretary Seward, in referring particularly to the great commercial future which he believed was to be realized by the United States, said: "The Pacific Ocean, its shores, its islands, and the vast regions beyond, will become the chief theater of the world's great hereafter." Secretary Hay fifty years later had a large and clear vision of the future importance of the Far East.

One feature particularly has characterized the atti-

tude of our government toward the countries of the Far East, from first to last—that of persistent good will. Without disparagement to others, it may fairly be claimed for our political activities in the Orient that they have been less open to and less subjected to criticism from the point of view of the East than have been those of any other nation. Our diplomats have made some errors, but they have been errors, generally, on the side of too great, rather than too little, international forbearance—errors on the side of humanity. What we have gotten we have gotten by straightforward methods; what has been ours to give we have given freely, with almost unstudied, and in some cases questionable, generosity. Along with the British we stand preëminent as instructors of the Orient in the mysteries and advantages of Western civilization. Along with them, we have stood as friends and helpers of the peoples of the East, especially the Chinese, in moments of internal disorder and external crisis.

Seventy years ago Caleb Cushing was given instructions for negotiating, and he did negotiate, our first treaty with China, that of 1844. The letter which Cushing bore, written by the President of the United States and directed to the Emperor of China, stands as an exhibit in the annals of American diplomacy, of which, in spite of its patronizing naïveté, Americans may well be proud.[1] Among other things President Tyler said:

> Now my words are that the governments of two such great countries should be at peace. . . .
>
> There shall be rules, so that the traders shall not break your laws and our laws. . . . Let there be no unfair advantage on

[1] The writer is not unaware of the fact that this document has provoked caustic comment on the part of more than one critic.

either side. . . . We shall not take the part of evil doers. We shall not uphold them that break your laws.

Along with this, more dignified but in the same straightforward vein, Webster's letter of instructions to Cushing:

You will say . . . that you would deem yourself quite unworthy to appear before His Majesty, as peace bearer from a great and powerful nation, if you should do anything against religion or against honor, as understood by the government and people of the country from which you come. . . . You will represent, nevertheless, that you are directed to pay to His Majesty . . . the same marks of respect and homage as are paid by your government to [other governments].

The spirit of these letters has been the spirit of our later diplomacy—a bit patronizing, but sincerely well disposed, sympathetic, tolerant, generous.

The United States had been last, in every case, to resort to force or harsh measures with China, and the United States has invariably stood against any movement which looked toward impairing the territorial sovereignty of China. In 1900, when China stood before the world a guilty culprit—both perpetrator and victim of the Boxer effort to destroy the legations—John Hay, as Secretary of State, was able and pleased to declare it the policy of the United States "to seek a solution which will bring about permanent peace and safety to China, preserve China's territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international law, and safeguard the principle of equal and impartial trade with all parts of the Chinese Empire."

Our treatment of China, however, and our attitude

toward the Chinese people in their own land must be distinguished from our actions in dealing with Chinese immigrants. The treatment which we have accorded some Chinese who have come and others who have sought to come to us has in various ways laid us open to and brought upon us just reproach. Having at one time gone so far as to declare in a treaty with China (in 1868) that emigration and immigration[1] were natural rights of all mankind, we later step by step receded from that position until we had arrived at a policy of Chinese exclusion—which, as represented in our latest legislation, prohibits entrance to practically all Chinese laborers, in fact to all but students, officials, and merchants. Our anti-Chinese legislation, unlike our anti-Japanese, is specific. As with the Japanese, we do not allow Chinese to naturalize as United States citizens; but in other matters where there is a distinction we discriminate against the Chinese more than against the Japanese. At the same time there has been little complaint from the Chinese against our laws except as to the method of their administration. The Chinese government was not in former days disposed to pay much attention to the interests or fate of those of its subjects who chose to wander beyond the confines of the Middle Kingdom. In recent years, however, seeing how other countries protect their citizens abroad, there has begun to grow among the Chinese people an inclination to take notice of harsh, discriminatory and unjust treatment of their fellow-citizens. (Thus the Boycott of 1905.) But as far as the law itself is concerned, the Chinese government has accepted our view as to what are our necessities in the case—and there is no Chinese

[1]The treaty guaranteed, however, only most-favored-nation privileges.

problem to bother us in the domestic phases of our foreign policy.

Turning then to our dealings with China on China's side of the Pacific: It was in the making of the first American treaty with China, in 1844, that for the first time a clear and specific agreement as to extraterritorial jurisdiction was sought and obtained from China. At the same time we agreed to prohibit American citizens from engaging in the opium trade which was occasioning China much annoyance. In our next treaty with China (1858), we included the clause which provides for religious toleration. Our legation at Peking was established shortly after 1860. With the appearance at the Chinese capital of our second minister, Anson Burlingame, a new chapter in Far Eastern diplomacy was begun. Burlingame became the champion of a policy of concerted action on the part of the powers, and at the same time he pleaded from first to last, eloquently and not without effect, for a "square deal" for China and the Chinese people. So completely did he win the confidence of his colleagues that Mr. Robert Hart (afterwards Sir Robert) suggested and the Chinese government requested that he go as a special envoy to the Western powers to present China's cause and ask for treaty revision and amendment. Burlingame gave his life to that mission. His conception of what should be the relations of the United States and China was written into our treaty of 1868. His death while serving China should be remembered in connection with that of another worthy servant of two governments, the Hon. W. W. Rockhill, who, having been appointed special adviser to the President of China, and having started for Peking, died at Honolulu a few months ago while on his way to his post.

Before Burlingame had left the employ of his own government, he and other Americans rendered China an effective service in the assistance which they gave in getting the powers to put an end to the so-called "coolie trade" which had had Macao, the Portuguese port on the South China coast, as its base.

After Burlingame's death the practice of concerted action between the powers in their activities at Peking fell into disregard. By 1885 it had practically been discarded. Independent action by the British, the rise of Japanese imperialism, the forward movement of France in Indo-China, the sweep of Russia over eastern Siberia and her pressure toward ice-free waters on the Pacific, and finally the scramble for concessions which marked the years 1895-1898, culminating in the German, the Russian, the French, and the British territorial leases, marked a complete return to individualism. The partition of China seemed to impend. It was then that, through the Spanish-American War, the United States acquired a territorial interest in the Oriental side of the Pacific, and it was after we had taken the Philippines that Secretary Hay came forward in 1899 with the enunciation of the open door policy. In 1900 he added to this, as has been indicated above, the principle of preserving China's integrity and trying to insure the peace of the Orient. From 1899 to 1913 the United States government took an active interest in the problem of forwarding American interests in China while at the same time safeguarding Chinese interests. We have considered in preceding chapters the circumstances of the enunciation of the open door and the integrity of China policies, and have traced some of the vicissitudes that have attended American efforts on behalf of those policies.

The feature of the greatest permanent consequence in the history of our relations with China is to be found in the record of the contribution which Americans have made to education. Both in China and in the United States a very great number of the young men of China who have had a Western education have come under American teachers. The first students sent abroad by the Chinese government came to the United States. Now the Tsing Hua students, scholarship men from the provinces, and many privately supported students come to this country. There are at present between seven and eight hundred Chinese students in American universities. There are more American missionaries and teachers in China than hail from any other single country. Of the five thousand two hundred Protestant missionaries in China more than two thousand are Americans—and the majority of these are engaged in medical or educational work. We have put into the education of new China more money, more plants, and more teachers than has any other foreign country. The great Chinese diplomat, Li Hung-chang, and the enlightened Manchu administrator, Tuan Fang, expressed their unqualified approval of the work of American educators and educational establishments in China. It was an American who first translated International Law for the Chinese. It was an American who was the first president of the Imperial University at Peking. It was an American who established the school system of the province of Chili, the model for the rest of China, under Yuan Shih-kai as viceroy. An American has been the chief constitutional adviser to the Chinese government during the period of the making of the new constitution.

In 1907 we arranged for the return of that portion

of our share of the Boxer indemnity which had not been required to meet claims presented. This reduced China's obligations by some $10,000,000. The Chinese applied this money to the founding and endowing of the Tsing Hua College at Peking, an institution which devotes itself to the preparation of Chinese students for entrance to American universities, and to the endowing of scholarships to be held in the United States by students sent from that institution. There are now at Tsing Hua alone some twenty-five American instructors and there are others in practically every other important school in the country.

Having thus deliberately taken a leading place among those who have placed Western thought and ideas at the disposal of the Chinese, we cannot escape the implication of moral obligations which follows. For what new China does we are in a sense responsible. To the confidence which the Chinese have in us we owe something. Having assumed a position of informal guardianship it behooves us to realize that such a position creates an expectation of at least active sympathy when the ward has difficulties thrust upon him. And having fostered a disposition of good will on the part of this awakening nation toward ourselves, a disposition which is both a moral and a business asset, it becomes a matter both of duty and of common sense that we should not, by an attitude of indifference at moments of crisis, allow all this to become for ourselves and for the Chinese so much labor lost.

Numerous activities of non-political and non-religious origin may be cited as illustrating the attitude of mutual cordiality which exists between the two countries. Conspicuous among these in recent years stands the Famine Relief in the Hwai River region, and, grow-

ing out of that, the making of plans for a huge conservancy undertaking. There are parts of China in which famines have been of periodical recurrence. These famines have almost invariably been due to floods. In the years 1911, 1912, and 1913 there were especially severe famines in what is known as the Hwai River area, embracing parts of the provinces of Kiangsu and Anhwei. There was organized at Shanghai an International Committee for Famine Relief. The secretary of the committee was an American, and the majority of the more active workers on his staff were Americans. The greater portion of the money secured for relief came from the United States and Canada. More important, however, the American Red Cross Society sent out an engineer to make a study of the flooded region and see if the floods might be prevented.

The survey of this engineer, Mr. C. D. Jameson, was reported to the Chinese government—with recommendations for conservancy measures. A project was started for raising $20,000,000 as a loan to China, the loan to be secured in the United States, for the construction of conservation works. At this point, a special engineering commission was sent from the United States in 1914 to go further into the engineering problem. The plans are not yet completed, but the project so far as it has gone is an American project, and if carried into effect should mean a big American interest, philanthropically conceived but commercially carried out, in the Yangtse Valley.

Of greater immediate consequence has been the assistance which the American government and people have given toward the consummation by the Chinese government of the great opium reform. This began in a way with the investigations made by the United States

in 1904, looking to the suppression of opium consumption in the Philippines. In 1906 the Empress Dowager in China issued an edict contemplating the complete suppression of the use of opium in China within a period of ten years. Other edicts followed at intervals. An agreement was made with the British government in 1908 looking to the ultimate discontinuance of the export of opium from India to China. At the instance of the United States government an International Opium Commission met at Shanghai in 1909. After that the United States and the Dutch governments took the lead in a series of conferences which met at The Hague to devise means for international coöperation in regulating the opium trade. In the interval the Chinese government pushed the internal reform. In 1911, Great Britain agreed to a reduction of the annual export from India which would mean total cessation of the trade in 1917. The Chinese government was so successful in its own measures that by the end of 1913 one-half the provinces had been cleared of opium. In this domestic campaign, the mainspring of the movement, the gadfly to the Chinese administration has been an American missionary. Finally, toward the end of 1913, the British government agreed to measures which meant the speedy termination of the trade from India, without which the Chinese efforts could never become completely successful. The success of China in suppressing the native growing and consumption of opium is the most striking bit of evidence which can be cited in support of the contention that China still retains the power to "come back," which she has repeatedly manifested, after a long period of stagnation and decadence. The reform could not have been achieved, however, without the assistance of foreign nations, and in the giving

of this the United States has taken a leading part.

We were able to do China a valuable service in 1914. The various governments had presented to the Chinese government bills for damages sustained by their subjects during the revolution of 1911 and the rebellion of 1913. Some of these nations filed accounts calling for compensation for indirect as well as direct damages. The American government secured the coöperation of the British government for supporting the resistance which the Chinese, not unnaturally, made to these latter claims. This position won the day—and there were thus saved to the Chinese several million dollars which would otherwise have been charged against their already empty treasury.

In commerce we have not made the most of our opportunities. We early developed a prosperous trade in which large consignments of American furs were exchanged for Chinese tea and silks. Later the cotton trade developed large proportions. The trade was carried in American ships, the fast sailing clippers which made the American merchant marine important before the Civil War. Since the war our merchant marine has faded away, and our trade has not kept pace, relatively, with that developed by several other countries.

There was a time when we were second—yielding place only to Great Britain—in the carrying trade with China. Now, much even of our own wares is carried in Japanese ships. British, German, and Japanese vessels greatly outnumber ours in all Far Eastern ports.

In the early years of the nineteenth century we were second in the total import and export trade of China, which then centered at Canton. In 1905 we ranked third in imports to China and fourth in exports from

China. In 1912 we ranked fifth in China's imports, Hongkong, Japan, the United Kingdom, and India outranking us. We were also fifth in China's exports, Hongkong, Japan, Germany, and Russia being ahead of us. There is no good reason why we should not, if our markets were properly pushed, rank consistently third in both. The proximity of Japan gives her, of course, an advantage over all competitors; but our own indifference to overseas markets and foreign interests generally is chiefly responsible for the fact that we lag behind. Although we are doing an increasing business in kerosene oil and related products, in tobacco products, and in sewing machines, our cotton piece goods trade has suffered greatly in the competition of recent years —and might be improved—and there are various other lines in which we might be developing a large Chinese trade.

We might also, if we chose, find in China a great market for capital, both for private industrial enterprises and for governmental purposes.

China first became a borrowing country at the time of the Chino-Japanese War, twenty years ago. England, France, Germany, and Belgium soon began to furnish her capital. American financiers first showed an interest in Chinese industrial development in the Canton-Hankow Railway enterprise,[1] which was a commercial, not an official, financial undertaking. The United States government first showed a disposition to employ finance as an instrument for strengthening political influence and furthering commercial ends during the Taft administration. President Taft and Secretary Knox concluded that the most effective method

[1] The formation of the American China Development Company, 1898. The rights of the company were sold back to China in 1905.

by which to insure a hearing for the voice of the United States in questions affecting the integrity of the Chinese Empire, and to promote the cause of equal opportunity, would be to secure for American capital an equal share with that of other foreign nations in loans to China. At that time, in 1908, China was planning to complete the Canton-Hankow Railway and to build an east and west line from Hankow to Chengtu, and for that purpose English, French, and German banking groups were, after much maneuvering and some wrangling among themselves, preparing to advance China the necessary funds. At the instance of President Taft and the Department of State an American financial group was formed for the purpose of making money available for foreign investment, and this group asked to be allowed to participate in the Chinese loan. The European groups objected, and then the American government took up the matter directly with the Chinese government. The Chinese, when they bought back the interests of the American China Development Company, had promised that if money should subsequently be sought abroad to complete the Canton-Hankow line, application would be made for American capital. Upon being reminded of this, the Chinese government decided that the request of the American government on behalf of the American banking group must be recognized, and as a consequence the American group was included with the three European groups in the negotiation of the Four Powers Loan for the Hukwang railways. This loan agreement was concluded in May, 1911. At the same time the American group had been negotiating independently with the Chinese concerning the furnishing of a loan for currency reform. Upon being admitted to the Four Powers Group, the Americans

shared this loan with the other powers, and the Currency Loan Agreement was concluded in April, 1911.

Admission to these financial groups and participation in these loans marked the first victories for "dollar diplomacy." Our government had for the first time and with success insisted upon the opportunity being afforded for American capital to share along with that of other powers in supplying the needs of the Chinese government. Incidentally, Russia and Japan at this time gave some intimation of a desire to be admitted to the activities of the group.

The Hukwang loan helped precipitate the revolution, and the revolution brought about a new condition of affairs. The new government planned to secure a general reorganization loan, and Yuan Shih-kai continued negotiations for that purpose. Russia and Japan made their way into the loan group, and the sum of $300,000,000 was considered. The negotiations covered two years. Undoubtedly, the six banking groups contemplated, as a unit, monopolizing the business of furnishing money to China. With their governments behind them they expected to exclude loans from independent sources.[1] The political ambitions of certain countries showed themselves clearly in the actions of their ministers during the negotiations, particularly in a scramble on the part of some to secure control of various departments of the Chinese revenue administration. In the spring of 1913 the wranglings among the members of the group had been adjusted and a completely revised proposal was submitted to the Chinese government—only to be rejected because of the dictation in Chinese

[1] Not, however, *money* which might be contributed for loans; they simply intended that all *loans* should be advanced through them, thus to accomplish certain administrative ends.

affairs which it allowed to the representatives of the loaning powers.

Such was the situation in China when the Taft administration came to an end in the United States and President Wilson, with Mr. Bryan as Secretary of State, assumed the direction of American policies. Two weeks after the inauguration, it was announced in Washington that the American government would no longer support the American banking group in the Six Powers negotiations. President Wilson declared:

> The conditions of the loan seem to us to touch very nearly the administrative independence of China itself, and this administration does not feel that it ought, even by implication, to be a party to those conditions. The responsibility on its part which would be implied in requesting the bankers to undertake the loan might conceivably go the length in some unhappy contingency of forcible interference in the financial and even the political affairs of that great Oriental state just now awakening to a consciousness of its power and its obligation to its people.

Upon this announcement, the American group at once withdrew from the Six Powers consortium. Such a move was to be expected, for the New York banking firms concerned had originally joined the consortium only upon the request of the Taft government, which had hoped through American participation in China loans "to give practical effect to the open door policy."

Though the remaining five powers continued their negotiations with China and finally made a loan of $125,000,000, the defection of the United States marked the beginning of the dissolution of the group. Soon German and Japanese firms outside the group were

making loans to China without opposition from their governments. The British government stood for some time by its pledges to the group, but finally it yielded to the pressure of British public opinion and lifted the embargo on the independent supplying of British capital. The financial concert was thus at an end.

According to the professions of the moment, the Six Powers group had been animated by the desire to insure China's credit and establish her finances upon a sound basis. Within the group, different powers were actuated by differing motives. Russia and Japan had no money to loan; the reason for their presence must have been other than financial. The purposes of France were both financial and political. Great Britain and Germany both, though their immediate objects were financial, had to consider their substantial political interests in China. The United States had forced its way into the Chinese loan market in order, by means of investments, to strengthen the position of the government for the defense of the open door policy and China's integrity.

President Wilson conceived that the conditions which the group was seeking to force upon China were not consistent with the traditions of American policy, whence he concluded that the interests both of the United States and of China would be best conserved by the withdrawal of the American government from connection with the activities of the group. Whatever opinion we may entertain as to the soundness of this view and the advisability of the policy which resulted, this surrender of a position in the financial council of the group put the United States at a disadvantage in Far Eastern diplomacy, a disadvantage which would have become more

evident had the group been able to proceed with its original policies. It constituted, also, a defection on our part from the policy of concerted action.

We have seen how, earlier, American capital was prevented from securing a foothold in Manchuria. Within the past few years it has been meeting with substantial obstacles elsewhere.

In 1913 the Bethlehem Steel Corporation began negotiations with the Chinese government looking toward the supplying by the former of money, materials, and technical assistance for the building of a Chinese naval base on the coast of Fukien Province. This project soon encountered the opposition of the Japanese—and ultimately our government accepted the Japanese objections and gave assurance to Japan that it would not support such an agreement. Then the Japanese secured a pledge from the Chinese (by the agreement of May, 1915) that no foreign capital would be sought for this project.

In 1914 the Standard Oil Company entered into an arrangement with the Chinese government whereby the two were to form what would amount to a partnership for the development of China's oil fields. China was to furnish the potential oil fields. The Standard Oil Company was to furnish the money and the business equipment. The business of this company represents the largest American financial enterprise in China today and is sufficient to be of very considerable importance. The Standard has invested over $20,000,000 in China since 1903. It has done over $100,000,000 worth of business with the Chinese in the past ten years. The Standard Oil men know China, they have splendid business machinery established there, they have confidence in their own enterprise and in the business opportunities

which lie before them. The Vice-President of the company was quoted last year as having said:

> I believe that China offers the biggest field for commercial enterprise that exists today. . . . It is to be feared that foreign capital is going to get ahead of ours in the vast industrial and commercial expansion which is sure to come. . . . I sincerely hope that our bankers may yet have the support of the Department [of State] in financial operations in China, and that, whether this support is given or not, American bankers will not hesitate to enter the field on their own responsibility.

On the whole, the prospect of American business which this coöperative enterprise on a large scale between the Standard Oil Company and the Chinese government offers is the most encouraging feature in the history of American business relations with China during the past few years.[1]

Recently, and as though to emphasize the decline of American interest in the Far East, the Pacific Mail Steamship Company, the only American company operating on a large scale in the Trans-Pacific carrying trade, has discontinued its Far Eastern service. Alleging that the operation of the La Follette Seaman's Act made it impossible for it to continue its business at a profit, this company has taken off its ships—which formerly plied between San Francisco and Japanese, Chinese, and Philippine ports—has withdrawn its agents, and sold its establishments and equipment in the Far East. At the same time the Northern Pacific Company has diverted its one and only large liner, the *Minnesota,* from the Far Eastern to the European trade,

[1] Various obstacles appear to have been put in the way of this enterprise, and it is not possible at present to estimate what success may be expected for it.

while the vessels of the Canadian Pacific Company (British) are engaged in operations arising out of the war. Thus the commerce and carrying trade of the Pacific are left almost entirely to the Japanese companies, and the Toyo Kisen Kaisha, the Nippon Yusen Kaisha and the Osaka Shosen Kaisha are in a position to monopolize the whole field.[1] Already rates have been raised, and it is being complained that Japanese freight is being given preference, in sailing, over other cargoes.

As a suggestion of the terms in which the great potentialities of China as a field for investment and industrial undertaking may be estimated, a few sentences from a speech delivered in Shanghai on June 20, 1915, by Mr. J. Selwin Tait, Chairman of the Board of Directors of the Washington and Southern Bank of Washington, D. C., are worth careful consideration. Mr. Tait said:

> . . . China presents the greatest industrial and commercial opportunity not only of the world today, but the greatest which the world has ever seen. With a population of four hundred and fifty million people, according to the latest estimate of the Maritime Customs, it has a national debt amounting to, in round numbers, one dollar per head of its population,[2] or less than one-twentieth, proportionately, of the debt of her neighbor, Japan. Were China to borrow up to the same figure as Japan, that is, over twenty dollars per capita, she could add to her debt the unimaginable sum of eight billion, five hundred and fifty million dollars gold, a total which would suffice to build one hundred and seventy thousand miles of railway, at the liberal estimate of fifty thousand gold dollars per mile. Some few

[1] Messrs. Norton, Harrison & Co. of Manila are planning to put on a new service under the American flag.

[2] This somewhat underestimates China's debt, which is nearer $1.50 per head.

years ago, an investigation of the effect which railroad development had upon the commercial growth of China showed that between the years 1900 and 1907 the increase of 45 per cent. in China's railroad mileage had brought about an increase in her net imports and exports amounting to 156 per cent. during the same period. Suppose we were to extend these figures and estimate the future business of China, on the basis of an expenditure on her railroads equal to twenty dollars per capita of her population. Can you form any idea what the volume of her business then would be? The result would, it must be confessed, be unintelligible to the ordinary mind if placed in plain figures. We may, however, put it in another form and say that with a per capita debt equal to that of Japan, China could build one hundred thousand miles of railway, could cover the country with permanent roadways, could improve her canals, so as to bring the products of her enormous population to her own markets at the lowest rates, and could still have enough to build up a merchant marine such as would have no superior on the face of the globe.[1]

A further quotation from an article of recent date by Mr. Julean H. Arnold, Commercial Attaché to the American Legation in China, should command the attention of every American who has thought to give to the question of our relations with China. Mr. Arnold writes:

There is one asset which Americans hold in China, the equal to which is not to be found in any other foreign country in the world. This is the good will of the Chinese people. I have traveled extensively all over this vast country and have found that no other people on the face of this earth occupy a warmer place in the hearts of the Chinese people than do the Americans. Our 2,500 American missionary population in China is partially responsible for this great asset, for with their numerous schools, hospitals, chapels and other uplifting institutions (all

[1] *China Press*, June 21, 1915.

non-political in character) they are creating for us throughout the length and breadth of this vast country, in sections far removed from treaty port influences, as well as in the commercial centers, a spirit of friendship which means much to us. The fact that we have not had a hand in the billion dollar opium imports which came into this country from abroad, but have on the other hand used our influence to rid the country of this baneful drug, is also an item on the credit side of our account with China. Secretary Hay's staunch support of the open door policy of equal opportunity which has received the backing of successive administrations is recognized by the Chinese people as a distinct act of friendliness towards this country. The remission of a substantial portion of the Boxer Indemnity has probably resulted, more so than has any other single act on the part of any foreign nation in its relation with China, in winning the esteem and respect of the Chinese people. These facts combined with the facts that the United States has never gone to war with China nor exacted from her territorial concessions have made for us a distinctly warm place in the hearts of the Chinese people. This good will is an asset which may and should mean much to us in a commercial way. In China business is done over the tea-cup rather than over the telephone and friendship counts for much. Hence we should not neglect to take advantage of the valuable asset which we possess in the good will of these people.[1]

China with an estimated population of 400,000,000 and with only 6,000 miles of railways as compared with America's 100,000,000 people and 300,000 miles of railways; China with 1,000,000 spindles as compared with America's 32,000,000 and England's 50,000,000, and China with an average wage scale about 1/25th of that of the United States, offers a marvelous field for industrial and commercial expansion, especially so when we consider that the country possesses unlimited undeveloped natural resources, combined with a peace-loving, industrious, hardy population. America now supplies

[1] *China Press,* Special Supplement, October 26, 1915, p. 69.

only 8% of China's imports. Where else are there to be found brighter prospects for future development for American capital and enterprise than here in this oldest and most populous of living nations and among the youngest in point of the development of her natural resources. . . . The Chinese people are anxious to do business with us and cordially invite American capital and American brains to come to China to take advantage of the opportunities here presented. . . . The time is now opportune for the inauguration of big things in American trade in China, but it will require big men to do the work in a way commensurate with the opportunities presented, hence let the American manufacturers and financiers send their big men to this field to coöperate with those of experience already on the ground. However, before we can hope for any success in a large way in our trade in China we must have adequate American shipping and banking facilities.[1]

Fifteen years ago the American government came forward as the champion of the open door policy, seeking to insure to all nations equality of opportunity in China's markets, and to secure from all the powers the common pledge that China's integrity should be respected. These two principles have since been the cardinal features of our Far Eastern policy. President McKinley, Secretary Hay, President Roosevelt, Secretary Root, President Taft, and Secretary Knox stood clearly and firmly for these principles. Four successive administrations contended for them. The present administration, though differing from its predecessors as to what methods are advisable, has declared that this government remains attached to the same principles.

Between ourselves and China there exist mutual confidence and reciprocal good will. This is a practical as well as a moral asset. But, in addition to and beyond

[1] *China Press*, Special Supplement, October 26, 1915, p. 72.

this, there is needed something more. We have pleaded for the respecting of China's integrity. We do not believe in the policy of partitioning or absorbing China. We profess to believe in China's powers of regeneration. We deprecate international aggressions. But what do we do when evidences of policies which run counter to these principles are laid before us?

Any upsetting of the political *status quo* in the Far East becomes a menace to our interests, along with those of other nations. China is pledged to the equal treatment of all nations, the nations are pledged not to establish inequalities against each other in China's markets, and all nations have the right to equal opportunities. It was special concessions demanded and received from China by particular nations that led to the scramble for concessions which marked the years 1895-1898, which led in turn, indirectly, to the Boxer uprising. The Chinese people are now developing a national patriotism; they are beginning to know something of international affairs; they have become alarmed at the menace of subjugation which threatens them. This means that they will not be ready to endure patiently any considerable invasion as a result of concessions which have recently been required of them. To prevent the establishing of inequalities, to insure against the partition of China, to save China herself from internal disturbances and to guard against some new form of anti-foreign agitation which may affect all foreign nations alike injuriously, should not every nation which is in a position to do so exert itself to restrain any other whose policies appear likely to induce some or all of these undesirable consequences?

The Chinese look to the United States to exercise a positive and helpful influence in the solution of their

problems of reconstruction. The American government in its official advocacy of the open door policy assumed a position of responsibility—responsibility towards the interests of every power and every people concerned. This responsibility makes imperative something more than mere reiterated protestations of friendly interest. It calls for most careful consideration and substantial, constructive political and economic effort.

Finally, and quite independently of immediate expectations or obligations, it must be recognized that the United States is a world power, destined increasingly to participate in world commerce and world politics. The fate of peoples, the disposition of territories and the determination of commercial policies in the Far East are bound to be of enormous consequence in world affairs. What occurs in the Pacific will have its effects upon the activities and policies of the major nations everywhere. The people of the United States already have large social and considerable commercial interests in the Pacific. They are entitled to increase, and in the natural course of events undoubtedly will increase their activities in these lines. We should endeavor in the present to safeguard the opportunities of the future. We should ask for nothing but what is just, giving due consideration to the rights and needs of all, demanding no special privileges for ourselves; but we should, on behalf of our own interests and of the cause of peace, frame our policies and practices with a view to the defense of the principles upon which we, along with the other powers, have agreed.

The international problems of the Far East are world problems. As such, they merit and demand the attention of every nation which has a world outlook and world interests.

BIOGRAPHICAL NOTES

YUAN SHIH-KAI

Yuan Shih-kai was born to a distinguished Honan family in 1859. Both his father and grandfather were high officials. He early showed an interest in and aptitude for athletics and military affairs, but he never qualified as a scholar.

When only a little over twenty years of age, he was made an officer on the staff of the late General Wu Chang-ching, who was then commissioned to Korea to suppress local troubles. There Yuan first displayed unusual ability and attracted the favorable attention of the veteran statesman, Li Hung-chang, as well as of foreign officials. At the age of twenty-six, he was appointed Chinese Imperial Resident at Seoul. Before the outbreak of the Chino-Japanese War, Yuan reported upon the situation, recommending against hostilities, but his suggestions were ignored, and when the Japanese invaded Korea he returned to China.

He was soon made commander-in-chief of a "New Imperial Army" at Tien-tsin, a post in which he manifested high military and administrative qualities. His success as an organizer attracted nation-wide attention, and he rapidly rose in the favor of the Court and in official rank. By deliberately failing to carry out the orders of the Emperor Kwang Hsü just before the *coup d'état* of 1898, he played an important part in the events which brought the Empress Dowager back to power. As a reward for his valuable service, he was made Junior Vice-President of the Board of Works.

On the eve of the Boxer uprising, Yuan was appointed governor of Shantung. The decisions which he made during the Boxer uprising evidenced wisdom, courage, political sagacity,

and strong devotion to his country. He was too well informed to imagine that the foreigners could ever be driven out of China. Accordingly he made it his policy to restrain the Boxers and to protect the foreigners. At the risk of his own position and even of his life, he disregarded the orders of the Court and beheaded the most turbulent of the Boxers in his province. Thus, not a single foreigner was killed in Shantung through the period while Yuan was governor. But Yuan did more than this—he took an active part in the formation of a strong league of the major officials for the preservation of peace and order within the thirteen Southeastern provinces, which did more probably than any other one thing to save China from the dismemberment which would have been the penalty had the attack on foreigners been general.

In November, 1901, he was elevated to the viceroyalty of the metropolitan province, Chili—a post which Li Hung-chang had held for nearly thirty years. Here he showed unusual ability and made the most of his opportunity as a reforming and modernizing official. Not only did he continue organizing and drilling troops until he had at his command the best and most efficient contingents of China's "modern army"; but he devoted his attention to education and, with the help of well-chosen foreign advisers and assistants, established the most complete school system possessed by any of the provinces. The decision of the Empress Dowager, which led in 1905 to the abolition of the old literary examinations and the adoption of modern educational methods for all parts of the country, has been credited to the influence of Yuan and the great reforming Viceroy of Central China, Chang Chih-tung.

Further, Yuan built and equipped hospitals, organized a savings bank, established cotton and paper mills, encouraged industries of various kinds, built roads and bridges, and showed himself thoroughly devoted to measures of material as well as political improvement.

He naturally gained and held the respect of both the foreigners and the Chinese among whom he was working. But his

efficiency and popularity drew upon him the suspicion and fear of the Court. He and Chang Chih-tung were summoned to Peking, where they might be kept under the eye of the government and would constitute each a check upon the other. Yuan was made a Grand Secretary and President of the Board of Foreign Affairs.

With the death of the Empress Dowager and the Emperor in 1908, Yuan was left at the mercy of the family of the latter, who had never forgiven him for his part in the *coup d'état* of 1898. He was relieved of his offices that he might have the opportunity to nurse a "lame leg," and he retired to his estates in Honan.

Two years later the day of terror came upon the Court, and, casting about for the ablest man whom they might summon to their defense, they requested Yuan to return to the Imperial service. Yuan deferred his acceptance of this precarious post, pleading that his leg was not yet quite well, until he was offered supreme command of all the armed forces in the North. He was soon made premier, and it was he who persuaded the Manchus to abdicate. The Imperial Family bequeathed to him all of its political rights and authority. The Revolutionary Party accepted him as chief executive—and he has since devoted himself to the threefold problem of restoring order, establishing a government, and defending the country against pressure from without.

Whatever else Yuan has or has not done, he has restored peace and maintained reasonable order. He has set up a strongly centralized government suited to present needs. He has held the country together. He has had no opportunity so far to accomplish much in the way of constructive reforms and material improvement. He inherited an empty treasury. He has been hampered by rebellion and by unusual complications in foreign affairs. And in estimating what progress has been made it must be remembered that he has been in authority only four years.

Whatever his personal ends, whatever may or may not be

his ambition, Yuan Shih-kai is the ablest statesman in China today.

LI YUAN-HUNG

Li Yuan-hung was born in Hupeh in 1864. For six years he was a student in the Pei-yang Naval College, where he was an associate of (Admiral) Sah Chen-ping and (Dr.) Yen Fuh. He was a serious student and graduated in the first class. He served as a midshipman in the Chino-Japanese War, and after the war he was engaged in the service of the famous Viceroy Chang Chih-tung, at Nanking. On the latter's transfer to Wuchang, he was taken to assist in the organization of a new army there. Having been sent to Japan to make special military studies, he was, on his return, given a higher commission in the army and was ultimately made colonel of a brigade.

At the outbreak of the revolution at Wuchang, Li was compelled by his comrades to accept command of the revolutionary forces. When the Nanking provisional government was formed he was made vice-president and commander-in-chief of all the republican forces. He was mainly instrumental in arranging for the Shanghai peace conference, which eventually led to the formation of the Republic. Upon the abdication of the Manchus, he was elected national vice-president, but he remained for many months at Wuchang, where he displayed great strength and skill in the successful handling of an uneasy situation. He frequently stood as a mediator between President Yuan and the revolutionary leaders, and when the latter resorted to rebellion in 1913 he refused to join them. His loyalty and that of *Tutuh* Chi Jui of Chekiang Province defeated every hope which the rebels may have had of success. After the rebellion he removed to Peking, where, as vice-president, chief of staff, and chairman of the Council of State, he has actively supported the President. To the official connection a family tie has recently been added through the betrothal of a daughter of Li Yuan-hung to a son of Yuan Shih-kai.

During the agitation for the restoration of the monarchy General Li has maintained a neutral attitude.

LIANG CH'I-CH'AO

Liang Ch'i-ch'ao is a native of Sun-wai District in Kwang-tung Province. He early acquired a reputation as a scholar and became one of the foremost disciples of K'ang Yu-wei. He obtained a knowledge of Western subjects from books translated by early missionaries. Gifted with a brilliant mind and enlightened by his studies, he was quick to perceive that if China was to retain her place in the world, she must change her methods, and, following the example of his master, he became an enthusiastic and an ardent reformer. Together with others he started a college in Hunan known as the Se-wu Shui-tong, where Western subjects were taught along with the Chinese classics. It was in this college that the now prominent leader of the Yunnan rebellion, Tsai-Ao, first came under Liang's influence.

When, after the Chino-Japanese War, K'ang Yu-wei became the confidential adviser to the Emperor Kwang-hsü, Liang was called to Peking and became editor of a daily paper, a small leaflet containing only editorials, intended to enlighten the conservative officials. The reform program which the Emperor undertook became too radical and the Empress Dowager seized the reins of government and scattered the reformers. Liang escaped to Japan. There he established a periodical called *Public Opinion*, and later the *Popular Enlightenment Magazine*. Both of these papers were devoted to the cause of reform. They were widely read and were especially popular among the student class and the officials.

When Yuan Shih-kai appointed his first cabinet under the old régime, Liang was offered, but refused to accept, the post of Vice-Minister of Justice. Returning to China after the revolution, he established and edited at Tien-tsin a paper called *Justice*. A member successively of the Pao Huang Hui, the

Ming-chu Tang, and the Kung-ho Tang, when the Chin-pu Tang (Progressive Party) was organized Liang became one of the directors. In Hsiung Hsi-ling's cabinet of "talents" he became Minister of Justice. Having resigned from this position, he was made Chief of the Bureau for the Reform of the Currency, and later a member of the Council of State. He was in July, 1915, appointed a member of the Committee of Ten for the drafting of the constitution.

When the return-to-monarchy agitation began to make headway Liang resigned his offices and came out in opposition to the movement. Although he had always, until the Republic was established, advocated constitutional monarchy, he objects to revolution.

Brilliant and respected, but a philosopher and idealist rather than a politician or practical statesman, Liang Ch'i-ch'ao has probably done more toward the introduction of new ideas and Western learning to his people than has any other one man. Whatever his political attitude, his opinions always command intelligent and thoughtful consideration.

SUN YAT-SEN

Sun Yat-sen was born in Houng-shan, Kwang-tung, in 1867. His father, a humble Cantonese, migrated to the Hawaiian Islands, and thus Sun's boyhood was spent in Honolulu, where he began his education. He later continued his studies at Canton and Hongkong, taking his Doctorate in Medicine at Hongkong.

He early identified himself with the Young China party and became the leader in planning an uprising in 1895 at Canton. The conspiracy failed and Sun fled to Macao, whence he went abroad to promote revolutionary sentiment. In 1896 he was kidnaped in London at the orders of the Chinese Minister and was imprisoned in the Chinese legation, whence it was planned to send him home secretly; but his release was effected through the intervention of the British government. He spent

the next fifteen years traveling among Chinese all over the world as a revolutionary propagandist. In Japan, he organized the revolutionary party known as the Tung-meng Hui, of which he became the recognized leader.

When the revolution broke out, he hastened back to China and, arriving at an opportune moment, he was made President in the provisional government at Nanking. In order to make peace with the North, he resigned, yielding the national presidency to Yuan Shih-kai. Soon after, he was appointed Chief of the National Railway Bureau "to consider and draft plans for a national system of railways," but as he participated in the rebellion of 1913 his office was then abolished. Upon the defeat of the rebels he fled to Japan, where he is said to be engaged in planning another revolutionary movement.

HUANG HSING

Huang Hsing was born in Hunan. He studied in the Liang-hu College established by the famous Viceroy Chang Chih-tung. Later he went to Japan. There he soon became closely associated with the revolutionary leaders. With Dr. Sun Yat-sen, he organized the Tung-meng Hui. By temperament a man of action, he was concerned in several abortive attempts to start a revolution. Soon after the outbreak at Wuchang in 1911, he was placed in command of the revolutionary forces at Han-yang, whence he made his escape when the place was about to be captured by the Imperial troops.

In the provisional government at Nanking, Huang was made Minister of War and Commander-in-chief of one of the divisions formed for the purpose of marching on Peking. When Yuan Shih-kai became provisional president, he was appointed Resident-General at Nanking. When, shortly, this post was abolished, he was given the directorship of the Szechuen, Canton and Hankow railways. He took a leading part in the rebellion of 1913, of which he assumed the direction; but upon the investment of Nanking by the government forces, he fled to Japan.

Last year he made an extended tour of the United States. In exile, he, like Dr. Sun Yat-sen, is understood to be planning another revolution; but the two leaders seem to be not entirely in accord as to policies and methods.

APPENDIX I

MEMORANDUM ON GOVERNMENTAL SYSTEMS, SUBMITTED BY DR. FRANK J. GOODNOW, CONSTITUTIONAL ADVISER TO THE CHINESE GOVERNMENT, TO PRESIDENT YUAN SHIH-KAI.[1]

The determination in a given country of the form of government established therein has seldom if ever been the result of the conscious choice of the people of the country or even of the choice of its most intelligent classes. The establishment on the one hand of a monarchy or on the other hand of a republic has in almost all instances been due to influences almost beyond human control. The former history of the country, its traditions, its social and economic conditions all have either favored the form of government which has been adopted, or, in case the form of government at first adopted has not been in harmony therewith, have soon brought it about that that form is replaced by one which is better suited to the country's needs.

In other words, the form of government which a country usually possesses is for the most part determined by the necessities of practical life. Among the contributing causes which fix forms of government, one of the most important is force. Almost all monarchies thus owe their origin in last analysis to the exertions of some one man who has been able to organize the material power of the country in such a way as to overcome all competitors. If he has able sons or male relatives, if he has ruled wisely and if the conditions of the country have been such as to favor monarchical rule, he may be able to establish a

[1] As printed in the *Far Eastern Review*, August, 1915, pp. 103–105.

dynasty which will during a long period successfully govern the country.

Under such conditions one of the most perplexing problems of government is probably more satisfactorily solved than has usually been the case in republics. For on the death of the monarch there is no question as to the succession to the executive power. No election or other method of choosing a successor is necessary. As the English law expresses it: "The King is dead, Long live the King." In order, however, that the desired result may be attained, it is absolutely necessary that the law of succession be clearly determined and practically universally accepted, else the death of the monarch will bring into being numerous aspirants for the throne whose conflicting claims can be adjudicated only by resort to civil war.

History would seem to prove, furthermore, that the only permanently satisfactory solution of the question of succession in monarchical states is that which has been reached by the states of Europe. This consists in fixing the succession to the throne upon the eldest son of the monarch or, in default of sons, upon the nearest oldest male relative. Under this method he who is by the law of succession entitled to the throne is permitted to waive his rights, in which case, if it is the eldest son who has so waived his rights, the next eldest son takes his place.

If some such method of fixing the succession is not adopted, if, for example, the succession to the throne is left to the determination of the monarch, who may choose as his successor a son not the eldest, or some other relative not the nearest eldest male relative, the uncertainty as to the succession is almost certain to produce trouble. Palace intrigues in favour of the various claimants to the throne are sure to develop which both embitter the closing days of the monarch's life and often lead to confusion if not civil war after his death.

The advantages which history would seem to show are attendant upon a monarchy as compared with a republic, so far as concerns this important question of succession to the executive power, are thus, it would seem, conditioned very largely

upon the adoption of that law of succession which experience has shown to be the best, that is succession in the eldest nearest male line.

EUROPEAN REPUBLICS

Until recently the accepted form of government both in Asia and Europe was monarchical. It is true that in Europe, contrary to the usual rule, there were a few republics, such as Venice and Switzerland. But the states possessing a Republican Government were few in number and small in size. In almost all the important states of the world the government was monarchical in character.

Within the last hundred and fifty years, however, there is noticeable among European peoples a distinct movement away from monarchical and in favor of Republican Government. The first attempt to establish Republican Government in any of the large European states was made in England in the 17th century. After a successful revolution Charles I, the English King, was tried by Parliament, convicted of treason and executed. A republic, the so-called "Commonwealth," was established with Oliver Cromwell as "Protector" or President. Cromwell obtained his power as a result of his control of the revolutionary army which had defeated the forces of the crown.

This Early English republic lasted only a few years and fell as a result of the difficulties attendant upon the question of the succession to the Protectorate which arose on Cromwell's death. But either because the English people were not suited to a republic or because Richard Cromwell did not have the characteristics required of the possessor of executive power, this attempt to continue the English republic was a failure, and England abandoned the republican and reëstablished the monarchical form of government. Charles II, the son of the executed Charles I, was put upon the throne, largely as the result of the support of the army but with the almost universal approval of the English people.

The next attempt to form a republic among European peo-

ples was made after the American revolution at the end of the 18th century when the United States of America was formed. The American revolution was due not so much to an attempt to overthrow monarchical government as to a desire upon the part of the English colonies in America to obtain their independence of England. The success of this revolution brought, however, in its train, almost necessarily, the establishment of republican government. There was no royal family left in the country to which its government might be entrusted. There was, furthermore, in the country a distinct sentiment in favor of a republic due in large measure to the fact that quite a large number of those who had participated in the establishment of the ill-fated English republic in the preceding century had come to America and had exerted even after their death an influence in favor of republican institutions.

It is, however, possible that George Washington, who had led the American armies during the revolution, might have, if he had been so inclined, established himself as king. He was, however, in principle a republican rather than a monarchist. He furthermore had no son who, had he been crowned king, could have succeeded him.

The result was that, when the United States obtained its independence, it definitely adopted the republican form of government which has lasted during a century and a quarter. The unquestioned success which has attended the United States during most of its existence has done much to give to the republican form of government the prestige which it now possesses. It is well, however, to remember that the United States inherited from England the principles of constitutional and parliamentary government and that these principles had been applied in America for a century or more before the republic was established. The change from the form of government which was in force during the colonial period to the republic adopted in 1789 was not therefore anything in the nature of a change from autocracy to a republic. Such change as was made had been preceded by a long period of preparation and

discipline in self-government. Furthermore, the American people even of that day possessed a high grade of general intelligence, owing to the attention which had from the very beginning of American history been given to the common schools, where almost every child could learn at any time to read and write.

THE FRENCH REVOLUTION

The establishment of the American Republic was followed almost immediately by the formation of the French Republic. The government of France prior to the declaration of the republic had been autocratic. Almost all public powers were centered in the crown and the people participated hardly at all in the administration. The French people had thus had little experience in self-government and were therefore unable to carry on successfully the republic which they endeavored to establish. Periods of disorder followed by military dictatorships followed in rapid succession. The monarchy was restored after the fall of Napoleon largely as the result of foreign intervention. A revolution in 1830 brought into being a more liberal monarchy. This was overthrown by a revolution in 1848, when a republic was again established. The President of this Republic, the nephew of the great Napoleon, overthrew it and declared himself Emperor. After the Franco-Prussian War in 1870, he was deposed and the present French Republic came into being. This republic has now lasted nearly half a century and gives every evidence of permanence.

It is well to remember, however, that the present permanence of republican institutions in France was secured only after nearly a century of political change, if not disorder, and that during that century serious attempts had been made both to give the people generally that education upon which intelligent political action must be based and to accustom them by participation in public affairs to the exercise of powers of self-government.

The French, like the Americans, would appear to have solved

successfully the most difficult problem in republican government, that is, the succession to the executive power. In France the President is elected by the legislature. In the United States he is elected by the people. In both France and the United States the people have had long experience in self-government through participation in public affairs, while in both countries, during the past half century particularly, great attention has been paid to their general education through schools in many cases supported by the government. The result is that the grade of intelligence of the people in both America and France is, comparatively speaking, high.

THE LATIN REPUBLICS

The examples given in the latter part of the 19th century by the United States and France were very largely followed in South and Central America at the time the former Spanish colonies in this part of the world achieved their independence. As was the case in the United States when it became independent a republic seemed the only practicable form of government which could then be adopted. There was no royal family to which the people might look for guidance.

The success which had been attendant upon the establishment of a republic in North America had caused the belief to be entertained by many thinkers, both that a republic was the best form of government and that its establishment and maintenance were possible under all conditions and among all peoples. Republics were therefore established almost everywhere throughout South and Central America. But, either because of the disorders which were incident to the long struggle for independence or because of the difficulties inherent in a republican form of government among a low grade of intelligence, due to the lack of general education, and accustomed only to autocratic rule, the South and Central American republics have not been generally successful. For years after the independence of the Spanish colonies was achieved South and Central

America was the scene of continual disorder, incident for the most part to the struggles of military leaders for political power. At times there were periods of comparative peace due to the success of some extraordinarily strong man who was able to seize and keep in his hands political power. Little if any attempt was for a long time made by any of those who obtained political power to educate the people generally through the establishment of schools or to aid them in the acquisition of political experience by according them participation in the government. The result was that when the strong hand which controlled the country was relaxed, owing either to the increasing age or death of him who possessed political power, disorder again appeared, due to the struggles of the claimants for the political succession—since no satisfactory solution of the question of succession was reached. Whatever progress the country had been able to make during its period of peace was arrested and not infrequently the anarchy and chaos which followed caused a serious deterioration in the economic and social conditions of the country.

What has happened in Mexico recently has too often been the lot of the Central and South American States under a republican form of government not suited to their stage of economic and political development. Under the government of Diaz, who acquired political power through his control of the army, it seemed as if Mexico had successfully solved the problem of government. Diaz, however, did little for the education of the people and discouraged rather than encouraged their participation in the government. When increasing age caused him to relax his control, revolution broke out again and he fell from power. Since his loss of power the country has been devastated by the contending armies of rival leaders, and at present it would seem that its salvation is possible only as the result of foreign intervention.

It is, of course, true that in some of the South American countries progress is apparently being made in solving the problems of republican government. Such countries are par-

ticularly Argentine, Chile, and Brazil. In both Argentine and Chile a long period of disorder and disturbance has been followed by a comparatively long period of peace. In Brazil the establishment of the republic, about twenty-five years ago, was accompanied by little trouble and the subsequent life of the republic has been a peaceful one. In all three countries considerable progress has been made in the establishment of constitutional government, in Argentine and Chile as one of the results of the struggles of the early part of the nineteenth century, in Brazil, partly, at any rate, during the Empire which preceded the present republic, and which encouraged the participation of the people in the government of the country.

LESSONS FROM REPUBLICAN EXPERIENCE

The experience of the South and Central American countries would seem to inculcate the same lessons which may be derived from the experience of the United States and France. These are:

1st.—That the difficult problem of the succession to executive power in a republic may be solved by a people which has a high general intelligence due to the existence of schools where general education may be obtained and which has learned to exercise political power through participation in the affairs of government; and

2nd.—That little hope may be entertained of the successful solution of the question of Presidential succession in a country where the intelligence of the people is not high and where the people do not acquire political wisdom by sharing in the exercise of political power under some form of constitutional government. Where such conditions do not exist a republican form of government—that is, a government in which the executive is not hereditary—generally leads to the worst possible form of government, namely, that of the military dictator. The best that can be hoped for under such a system is periods of peace alternating with periods of disorder during which the

rival claimants for political power are striving among themselves for the control of the government.

GREAT POWERS WILL NOT PERMIT DISORDER

At the present time, it may further be remarked, it is very doubtful whether the great powers of the European world will permit the government of the military dictator permanently to exist, if it continues to be accompanied by the disorder which has been its incident in the past. The economic interests of the European world have grown to be so comprehensive, European capital and European commercial and industrial enterprises have become so wide in their ramifications that the governments of the foreign countries interested, although caring little what may be the form of government adopted by the nations with which they deal, are more and more inclined to insist, where they have the power, that conditions of peace shall be maintained in order that they may receive what they consider to be the proper returns on their investments. This insistence they are more and more liable to carry to the point of actual destruction of the political independence of offending nations and of direct administration of their government if this is necessary to the attainment of the ends desired.

It is therefore becoming less and less likely that countries will be permitted in the future to work out their own salvation through disorder and revolution, as may have been the case during the past century with some of the South American countries. Under modern conditions countries must devise some method of government under which peace will be maintained or they will have to submit to foreign control.

CHINA'S NEEDS CONSIDERED

The question naturally presents itself: How do these considerations affect the present political situation of China?

China is a country which has for centuries been accustomed

to autocratic rule. The intelligence of the great mass of its people is not high, owing to the lack of schools. The Chinese have never been accorded much participation in the work of government. The result is that the political capacity of the Chinese people is not large. The change from autocratic to republican government made four years ago was too violent to permit the entertainment of any very strong hopes of its immediate success. Had the Tsing dynasty not been an alien rule which it had long been the wish of the Chinese people to overthrow, there can be little doubt that it would have been better to retain the dynasty in power and gradually to introduce constitutional government in accordance with the plans outlined by the commission appointed for this purpose. But the hatred of alien rule made this impossible and the establishment of a republic seemed at the time of the overthrow of the Manchus to be the only alternative available.

It cannot, therefore, be doubted that China has during the last few years been attempting to introduce constitutional government under less favorable auspices than would have been the case had there been a royal family present which the people regarded with respect and to which they were loyal. The great problem of the presidential succession would seem still to be unsolved. The present arrangement cannot be regarded as satisfactory. When the present President lays down the cares of office there is great danger that the difficulties which are usually incident to the succession in countries conditioned as is China will present themselves. The attempt to solve these difficulties may lead to disorders which if long continued may seriously imperil the independence of the country.

What under these conditions should be the attitude of those who have the welfare of China at heart? Should they advocate the continuance of the Republic or should they propose the establishment of a monarchy?

These are difficult questions to answer. It is of course not susceptible of doubt that a monarchy is better suited than a

republic to China. China's history and traditions, her social and economic conditions, her relations with foreign powers all make it probable that the country would develop that constitutional government which it must develop if it is to preserve its independence as a state, more easily as a monarchy than as a republic.

But it is to be remembered that the change from a republic to a monarchy can be successfully made only on the conditions:—

1st.—That the change does not meet with such opposition either on the part of the Chinese people or of foreign powers as will lead to the recurrence of the disorders which the present republican government has successfully put down. The present peaceful conditions of the country should on no account be imperiled.

2nd.—The change from republic to monarchy would be of little avail if the law of succession is not so fixed that there will be no doubt as to the successor. The succession should not be left to the Crown to determine, for the reasons which have already been set forth at length. It is probably of course true that the authority of an emperor would be more respected than the authority of a president. The people have been accustomed to an emperor. They hardly know what a president is. At the same time it would seem doubtful if the increase of authority resulting from the change from President to Emperor would be sufficient to justify the change, if the question of the succession were not so securely fixed as to permit of no doubt. For this is the one greatest advantage of the monarchy over the republic.

3rd.—In the third place it is very doubtful whether the change from republic to monarchy would be of any lasting benefit to China, if provision is not made for the development under the monarchy of the form of constitutional government. If China is to take her proper place among nations greater patriotism must be developed among the people and the government must increase in strength in order to resist foreign

aggression. Her people will never develop the necessary patriotism unless they are given greater participation in the government than they have had in the past. The government never will acquire the necessary strength unless it has the cordial support of the people. This it will not have unless again the people feel that they have a part in the government. They must in some way be brought to think of the government as an organization which is trying to benefit them and over whose actions they exercise some control.

Whether the conditions which have been set forth as necessary for such a change from republic to monarchy as has been suggested are present, must of course be determined by those who both know the country and are responsible for its future development. If these conditions are present there can be little doubt that the change would be of benefit to the country.

APPENDIX II

MESSAGE OF PRESIDENT YUAN SHIH-KAI TO THE COUNCIL OF STATE, SEPTEMBER 6, 1915.

It is now four years since the people have entrusted me with the high office of President of the Chinese Republic. Moved by the fear that the task might be beyond my capacity, I have labored, during the past troublous years, under much anxiety and misgiving and have looked forward to the time when I might be relieved of the pressing burdens of the State and permitted to retire from the same.

But while I occupy my present position, it is my imperative duty and responsibility to protect the country and the people. It is my special duty to maintain the Republic as the existing form of government. Many citizens from the provinces have been lately petitioning the Tsan Cheng Yuan in its capacity of the Li Fa Yuan calling for a change of the form of the present government of the country. But this is incompatible with the position that I hold as President. Since, however, the office of the President is conferred by the people, the same must depend on the will of the people. And since the Tsan Cheng Yuan in its capacity of the Li Fa Yuan is an independent body and is therefore free from external interference, I ought not—strictly considered—to express or communicate any views (on the issue raised by the aforesaid petitioners) to the people of the country or to the Tsan Cheng Yuan in its capacity of the Li Fa Yuan. Inasmuch as any alteration in the form of government makes and involves an important and radical change in the Executive Power—and since I am the Chief of the Executive—I feel that it is impossible for me to observe silence, even though my speech may expose my motives to the risk of misinterpretation.

In my opinion a change in the form of government carries with it such a momentous alteration in the manifold relations of the State that the same is a matter which demands and exacts the most careful and serious consideration. If the change is decided on in too great a haste, grave obstacles will arise. The duty being mine to maintain the general situation, I have to state that I regard the proposed change as unsuitable to the circumstances of the country.

As to the aforesaid petition of the citizens, it is obvious that the object of the petitioners is precisely to strengthen and secure the foundation of the State and to increase the prestige of the country; and it is not to be doubted that if the opinion of the majority of the people of the country is consulted, good and proper means will assuredly be found.

Furthermore, it is not uncertain that a suitable and practicable law will be devised, if due consideration of the conditions of the country and careful thought and ripe discussion enter into the preparation of the Constitution of the Republic which is now being drafted.

I commend this to your attention, gentlemen of the Tsan Cheng Yuan, in your capacity as acting members of the Li Fa Yuan.

APPENDIX III

MESSAGE OF PRESIDENT YUAN SHIH-KAI MAKING PUBLIC A MEMORIAL FROM THE COUNCIL OF STATE, OCTOBER 11, 1915.[1]

I, the President, have received the following document from the Council of State:—

"Formerly, prompted by the petitions, amounting to 82 in number, from different organs and organizations throughout the country advocating a change of the present form of government, the Council made a suggestion to the President requesting that the convocation of the National Convention be accelerated, or another proper and adequate means be devised to consult the will of the people for the fundamental solution. In reply the President stated that, as this question was of grave importance, too much consideration could not be given to it, and it would be better to have the problem solved by the convocation of the National Convention so that the wishes of the people might be secured.

"But since the receipt of the aforesaid 82 petitions, this Council has again received shower after shower of petitions from the representatives of the various bodies all over the provinces. . . . They are of unanimous opinion that as China has for more than 2,000 years been accustomed to the monarchical form of government, in the minds of the people the king is the only person who commands respect. The republican form of government adopted in 1911 is unsuitable to the needs and conditions of the country, and as a result the hearts of the people are in uncertainty and the country is in a wavering state. . . . China has not yet recovered from the injuries sus-

[1] *Peking Daily News*, October 12, 1915.

tained during the revolution, the means of livelihood of the people urgently call for improvement, and the political affairs of the country demand proper efficient administration. The adoption of a constitutional monarchy is the only means to remedy the situation and to secure permanent peace.

"Numerous political scholars of foreign nations also hold the view that China is not suited to a republican form of government. The whole people are calling aloud for the establishment of a constitutional monarchy as a means of saving the country. Public opinion can not be ignored, and the fundamental solutions should immediately be found. The time for the convocation of the National Convention is too far distant. Besides, this is an organ for the ratification of the Constitution, and, should the form of the state be not immediately settled, in what way can the New Constitution be drafted? This house, therefore, requests that a proper and large organ be devised at an early date for consulting the true desire of the people in the fundamental solution of this weighty problem.

"In remembrance of the previous suggestions we made and the procedure recommended by the President, it seems not advisable for us to make any new suggestions, but owing to repeated petitions of the people, we have again held meetings for the discussion of the matter. The house is of opinion that this great question should be solved by a special organ. For the country belongs to the people and the opinion of the people regarding the form of the government should receive careful consideration. Since the people are now entreating for a speedy solution of the problem, it is natural that special means should be devised by the government for the purpose so that the opinions of the people may be respected. Moreover, this request of the petitioners is in conformity with our previous suggestion to the President that some other proper means should be devised to consult the will of the people. It is also consistent with the opinion of the President that deliberation should be exercised in solving this great question.

"According to the Second Clause of the First Article of the

Constitutional Compact, the question relating to the form of the government shall be decided entirely by the people. Now this Council has decided the regulations governing the formation of the Citizens' Representative Convention, the members of which will be the successful candidates of the primary election for the National Convention, for the settlement of the fundamental question. In this way, representatives may be elected from all parts of the country, from the provinces as well as from the special administrative districts and Manchuria, Mongolia, and Tibet. By virtue of this Convention the true desire of the entire body of the citizens in connection with the solution of the problem can be satisfactorily ascertained. Herewith a number of petitions from various quarters and a copy of the regulations for promulgation."

Besides the promulgation of the law on the organization of the Citizens' Representative Convention, I hereby promulgate the above document so that the people may know it.

APPENDIX IV

LAW FOR THE ORGANIZATION OF THE CITIZENS' REPRESENTATIVE CONVENTION.[1]

Art. 1.—The question regarding the change in the form of government, which has been raised as a result of the petitions of the entire body of citizens, shall be decided by the members of the Convention of Citizens' Representatives.

Art. 2.—The members for the Convention shall be elected by the system of single balloting with the name, and those who have secured the majority of votes shall be declared as elected.

Art. 3.—The Convention of Citizens' Representatives shall be composed as follows:—

(a) The number of representatives from each province or each special administrative area shall be the same as the number of districts the province or the special administrative area contains.

(b) Outer and Inner Mongolia shall elect altogether thirty-two representatives, namely, two for each league.

(c) Tibet shall elect twelve representatives.

(d) Chinghai shall elect four representatives.

(e) The Manchu, Mongolian and Han Banners shall elect altogether twenty-four (eight each).

(f) The Mohammedan population shall elect four representatives.

(g) The Chambers of Commerce in the country and Chinese residents abroad shall elect altogether sixty representatives.

(h) Those who have rendered meritorious services to the country shall elect thirty representatives.

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[1] *Peking Daily News,* October 8, 1915.

(i) Recognized learned scholars shall elect twenty representatives.

Art. 4.—The members for the Convention of Citizens' Representatives for the provinces and special administrative areas shall be elected by the successful candidates of the primary election for the Citizens' Convention elected with the double balloting system.

Art. 5.—The representatives of the people in Mongolia, Tibet and Chinghai shall be elected from among the successful candidates of the single ballot election by the Combined Electorate of Mongolia, Tibet and Chinghai for the Citizens' Convention.

Art. 6.—The representatives of the Manchu, Mongolian and Han Banners shall be elected by the successful candidates elected with the single ballot by the princes, dukes, hereditary nobles and other privileged personages belonging to the Special Central Electorate in connection with the Citizens' Convention.

Art. 7.—The representatives of the Chambers of Commerce and the Chinese residents abroad shall be elected by the successful candidates of the single ballot election which was participated in by merchants, artisans and industrial captains possessing a capital of $10,000 or more who belong to the Special Central Electorate for the Citizens' Convention or those Chinese residents abroad possessing a capital of $30,000 or more.

Art. 8.—The representatives of those who have rendered meritorious services to the country shall be elected by the candidates who were elected by the voters who have done distinguished service, belonging to the Special Central Electorate for the Citizens' Convention.

Art. 9.—The representatives of recognized learned scholars shall be elected by the successful candidates elected by the single ballot election by the special Central Electorate for the Citizens' Convention—men who are learned, graduates from high schools or colleges after completing a course of not less than three years, those possessing the qualifications similar to

the graduates named above and teachers who have taught for two or more years in the High or Higher Schools.

All voters as mentioned from Art. 5 to the first class in this article shall be examined by the National Examination Commission, and if their qualifications are found all right, they are eligible to be voters.

Art. 10.—The following rules shall govern the action of the election superintendents:—

(a) In the provinces the superior officials shall jointly supervise the election.

(b) In the special administrative area, all the high officials shall jointly act as election superintendents and supervise the election.

(c) Respecting clauses b, c and d of Article 3 the Director-General of the Bureau for Mongolian and Tibetan Affairs shall act as superintendent.

(d) In reference to clauses e, f, g, h, of Article 3, the Minister of Interior shall act as superintendent.

Art. 11.—The voting stations shall be located at the places where the superintendents live. When the appointed date arrives, the superintendent shall summon the electorate by gathering those who have reported themselves, and the election shall then proceed.

The superintendents of the provinces and the special administrative areas may, if circumstances require, empower the magistrates to supervise the election of members for the Convention of Citizens' Representatives.

Art. 12.—The date for the election of representatives for the Convention shall be decided by the superintendents themselves.

Art. 13.—The question as mentioned in Article 1 shall be decided by the ballot system with the name. The results of the elections shall be reported by the superintendents to the Acting Li Fa Yuan, which shall add together all the votes and find out the consensus of opinion in regard to the question of the change in the form of government.

The balloting papers shall be forwarded under sealed cover to the acting Li Fa Yuan after they have been checked.

The date for voting upon the question of the form of government shall be decided by the superintendents themselves.

Art. 14.—The text of the question regarding the form of government to be voted upon shall be drawn up by the Acting Li Fa Yuan, which shall forward same to the Government and through the Government to the election superintendents, after having passed it. The text of the question shall be announced on the balloting day by the election superintendents to the representatives of the people.

Art. 15.—The Bureau for the Preparation of the Citizens' Convention shall manage all affairs in connection with the election as mentioned in this law.

Art. 16.—This law shall come into force on the day of its promulgation.

APPENDIX V

THE EXPANSION OF JAPAN

1874 Japan secured by treaty China's relinquishment of the Loochoo Islands.

1875 Japan obtained from Russia the Southern Kurile Islands in exchange for the southern half of Saghalin.

1876 Bonin Islands incorporated as a part of Japanese dominions.

1879 The Loochoo Islands not already included in Kagoshima Prefectorate incorporated.

1895 Formosa and the Pescadores ceded by China, after war, to Japan.

1905 Saghalin seized during Russo-Japanese War. The portion south of the 50th parallel was ceded to Japan by the Portsmouth Treaty.

1905 Russia's rights over Port Arthur, the Kwangtung Leased Territory and the South Manchuria Railway transferred to Japan.

1910 Annexation of Korea.

1914 (October) Seizure of German insular colonies in the Pacific.

1914 (November) Capture of Kiaochow and seizure of all German holdings in Shantung Province, China.

1915 (January) Demands upon China. (May) Agreements extending Japan's interests and holdings in Manchuria; confirming Japan's rights in her newly acquired position in Shantung; and conceding various privileges in China and in connection with the Chinese administration.

APPENDIX VI

JAPAN'S REVISED DEMANDS ON CHINA, TWENTY-FOUR IN ALL, PRESENTED APRIL 26, 1915.

Group 1

The Japanese Government and the Chinese Government, being desirous of maintaining the general peace in Eastern Asia and further strengthening the friendly relations and good neighborhood existing between the two nations, agree to the following articles:—

Art. 1. The Chinese Government engages to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government, relating to the disposition of all rights, interests and concessions, which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.

Art. 2. (Changed into an exchange of notes.)

The Chinese Government declares that within the Province of Shantung and along its coast no territory or island will be ceded or leased to any Power under any pretext.

Art. 3. The Chinese Government consents that as regards the railway to be built by China herself from Chefoo or Lungkow to connect with the Kiaochow-Tsinanfu Railway, if Germany is willing to abandon the privilege of financing the Chefoo-Weihsien line, China will approach Japanese capitalists to negotiate for a loan.

Art. 4. The Chinese Government engages, in the interest of trade and for the residence of foreigners, to open by China herself as soon as possible certain suitable places in the Province of Shantung as Commercial Ports.

(Supplementary Exchange of Notes)

The places which ought to be opened are to be chosen, and the regulations are to be drafted, by the Chinese Government, but the Japanese Minister must be consulted before making a decision.

GROUP II

The Japanese Government and the Chinese Government, with a view to developing their economic relations in South Manchuria and Eastern Inner Mongolia, agree to the following articles:—

Art. 1. The two contracting Powers mutually agree that the term of lease of Port Arthur and Dalny and the terms of the South Manchuria Railway and the Antung-Mukden Railway, shall be extended to 99 years.

(Supplementary Exchange of Notes)

The term of lease of Port Arthur and Dalny shall expire in the 86th year of the Republic or 1997. The date for restoring the South Manchurian Railway to China shall fall due in the 91st year of the Republic or 2002. Article 12 in the original South Manchurian Railway Agreement that it may be redeemed by China after 36 years after the traffic is opened is hereby cancelled. The term of the Antung-Mukden Railway shall expire in the 96th year of the Republic or 2007.

Art. 2. Japanese subjects in South Manchuria may lease or purchase the necessary land for erecting suitable buildings for trade and manufacture or for prosecuting agricultural enterprises.

Art. 3. Japanese subjects shall be free to reside and travel in South Manchuria and to engage in business and manufacture of any kind whatsoever.

Art. 3a. The Japanese subjects referred to in the preceding two articles, besides being required to register with the local authorities passports which they must procure under the existing regulations, shall also submit to police laws and ordinances and tax regulations, which are approved by the Japanese con-

sul. Civil and criminal cases in which the defendants are Japanese shall be tried and adjudicated by the Japanese consul; those in which the defendants are Chinese shall be tried and adjudicated by Chinese Authorities. In either case an officer can be deputed to the court to attend the proceedings. But mixed civil cases between Chinese and Japanese relating to land shall be tried and adjudicated by delegates of both nations conjointly, in accordance with Chinese law and local usage. When the judicial system in the said region is completely reformed, all civil and criminal cases concerning Japanese subjects shall be tried entirely by Chinese law courts.

Art. 4. (Changed to an exchange of notes.)

The Chinese Government agrees that Japanese subjects shall be permitted forthwith to investigate, select, and then prospect for and open mines at the following places in South Manchuria, apart from those mining areas in which mines are being prospected for or worked; until the Mining Ordinance is definitely settled, methods at present in force shall be followed.

Province of Feng-Tien

Locality.	District	Mineral
Niu Hsin T'ai	Pen-hsi	Coal
Tien Shih Fu Kou	Pen-hsi	"
Sha Sung Kang	Hai-lung	"
T'ieh Ch'ang	T'ung-hua	"
Nuan Ti T'ang	Chin	"
An Shan Chan region	From Liao-yang to Pen-hsi	Iron

Province of Kirin (Southern Portion)

Sha Sung Kang	Ho-lung	Coal and iron
Kang Yao	Chi-lin (Kirin)	Coal
Chia P'i Kou	Hua-tien	Gold

Art. 5. (Changed to an exchange of notes.)

The Chinese Government declares that China will hereafter provide funds for building railways in South Manchuria; if

foreign capital is required, the Chinese Government agrees to negotiate for the loan with Japanese capitalists first.

Art. 5a. (Changed to an exchange of notes.)

The Chinese Government agrees that hereafter, when a foreign loan is to be made on the security of the taxes of South Manchuria (not including customs and salt revenue on the security of which loans have already been made by the Central Government), it will negotiate for the loan with Japanese capitalists first.

Art. 6. (Changed to an exchange of notes.)

The Chinese Government declares that hereafter if foreign advisers or instructors on political, financial, military or police matters are to be employed in South Manchuria, Japanese will be employed first.

Art. 7. The Chinese Government agrees speedily to make a fundamental revision of the Kirin-Changchun Railway Loan Agreement, taking as a standard the provisions in railway loan agreements made heretofore between China and foreign financiers. If, in future, more advantageous terms than those in existing railway loan agreements are granted to foreign financiers, in connection with railway loans, the above agreement shall again be revised in accordance with Japan's wishes.

All existing treaties between China and Japan relating to Manchuria shall, except where otherwise provided for by this Convention, remain in force.

1. The Chinese Government agrees that hereafter when a foreign loan is to be made on the security of the taxes of Eastern Inner Mongolia, China must negotiate with the Japanese Government first.

2. The Chinese Government agrees that China will herself provide funds for building the railways in Eastern Inner Mongolia; if foreign capital is required, she must negotiate with Japanese Government first.

3. The Chinese Government agrees, in the interest of trade and for the residence of foreigners, to open by China herself, as soon as possible, certain suitable places in Eastern Inner

Mongolia as Commercial Ports. The places which ought to be opened are to be chosen, and the regulations are to be drafted, by the Chinese Government, but the Japanese Minister must be consulted before making a decision.

4. In the event of Japanese and Chinese desiring jointly to undertake agricultural enterprises and industries incidental thereto, the Chinese Government shall give its permission.

Group III

The relations between Japan and the Hanyehping Company being very intimate, if those interested in the said Company come to an agreement with the Japanese capitalists for co-operation, the Chinese Government shall forthwith give its consent thereto. The Chinese Government further agrees that, without the consent of the Japanese capitalists, China will not convert the Company into a state enterprise, nor confiscate it, nor cause it to borrow and use foreign capital other than Japanese.

Group IV

China to give a pronouncement by herself in accordance with the following principle:—

No bay, harbor, or island along the coast of China may be ceded or leased to any Power.

Notes to Be Exchanged

A

As regards the right of financing a railway from Wuchang to connect with the Kiukiang-Nanchang line, the Nanchang-Hangchow railway, and the Nanchang-Chaochow railway, if it is clearly ascertained that other Powers have no objection, China shall grant the said right to Japan.

B

As regards the right of financing a railway from Wuchang to connect with the Kiukiang-Nanchang railway, a railway from Nanchang to Hangchow and another from Nanchang to Chaochow, the Chinese Government shall not grant the said right to any foreign Power before Japan comes to an understanding with the other Power which is heretofore interested therein.

NOTES TO BE EXCHANGED

The Chinese Government agrees that no nation whatever is to be permitted to construct, on the coast of Fukien Province, a dock-yard, a coaling station for military use, or a naval base; nor to be authorized to set up any other military establishment. The Chinese Government further agrees not to use foreign capital for setting up the above-mentioned construction or establishment.

Mr. Lu, the Minister of Foreign Affairs, stated as follows:—

1. The Chinese Government shall, whenever, in future, it considers this step necessary, engage numerous Japanese advisers.

2. Whenever, in future, Japanese subjects desire to lease or purchase land in the interior of China for establishing schools or hospitals, the Chinese Government shall forthwith give its consent thereto.

3. When a suitable opportunity arises in future, the Chinese Government will send military officers to Japan to negotiate with Japanese military authorities the matter of purchasing arms or that of establishing a joint arsenal.

Mr. Hioki, the Japanese Minister, stated as follows:—

As relates to the question of the right of missionary propaganda, the same shall be taken up again for negotiation in future.

APPENDIX VII

TREATY CLAUSES WITH REGARD TO THE INTEGRITY OF KOREA AND CHINA AND THE MAINTENANCE OF THE OPEN DOOR

Treaties and Agreements with Reference to Korea.

I. Treaty, Japan-Korea—Aug. 26, 1894. (At the beginning of the war between Japan and China.)

Article 1. "The object of the alliance is to maintain the independence of Korea on a firm footing and . . ."

II. Treaty (of Shimonoseki), Japan-China—April 17, 1895. (At the end of the war.)

Article 1. "China recognizes definitely the full and complete independence and autonomy of Korea."

III. Agreement, Japan-Russia—April 25, 1898.

Article 1. "The [two governments] recognize definitely the sovereignty and entire independence of Korea and pledge themselves mutually to abstain from all direct interference in the internal affairs of that country."

IV. Treaty, Korea-China—Sept. 11, 1899.

Article 1. "There shall be perpetual peace and friendship between the Empire of Korea and the Empire of China. . . ."

V. Treaty, England-Japan (making the Anglo-Japanese alliance)—Jan. 30, 1902.

Preamble. "The Governments of Great Britain and Japan, actuated solely by a desire to maintain the *status quo* and general peace in the Extreme East, being, moreover, specially interested in maintaining the territorial integrity of the Empire of China and the Empire of Korea, and in securing equal opportunities in those countries for the commerce and industry of all nations, hereby agree . . ."

Article 1. "The High Contracting Parties, having mutually recognized the independence of China and Korea, declare themselves to be entirely uninfluenced by any aggressive tendencies in either country."

VI. Convention, France-Russia—March 3, 1902.

The two Governments "have received a copy of the Anglo-Japanese agreement of Jan. 30, 1902, concluded with the object of maintaining the *status quo* and the general peace in the Far East, and preserving the independence of China and Korea, which are to remain open to the commerce and industry of all nations. . . .

"The two Governments consider that the observance of these principles is at the same time a guarantee of their special interests in the Far East."

VII. Rescript, by the Emperor of Japan, Feb. 10, 1904, (declaring war against Russia).

" . . .

"The integrity of Korea is a matter of gravest concern to this Empire, . . . the separate existence of Korea is essential to the safety of our realm.

" . . .

" . . . the absorption of Manchuria by Russia would render it impossible to maintain the integrity of China, and would, in addition, compel the abandonment of all hope for peace in the Extreme East. . . ."

VIII. Protocol, Japan-Korea—Feb. 23, 1904.

Article 1. "For the purpose of maintaining a permanent and solid friendship between Japan and Korea and firmly establishing peace in the Far East, the Imperial Government of Korea shall place full confidence in the Imperial Government of Japan, and adopt the advice of the latter in regard to improvements in administration."

Article 2. "The Imperial Government of Japan shall in a spirit of firm friendship insure the safety and repose of the Imperial House of Korea."

Article 3. "The Imperial Government of Japan definitely

guarantee the independence and territorial integrity of the Korean Empire."

IX. Treaty, Great Britain-Japan—Aug. 12, 1905 (renewing the alliance).

Article 3. "Japan possessing paramount political, military and economic interests in Korea, Great Britain recognizes the right of Japan to take such measures . . . in Korea as she may deem proper . . . provided that such measures are not contrary to the principle of equal opportunities for the commerce and industry of all nations."

X. Treaty (of Portsmouth), Japan-Russia—Sept. 5, 05.

Article 2. "The Imperial Russian Government, acknowledging that Japan possesses in Korea paramount political, military, and economic interests, engage neither to obstruct nor to interfere with the measures . . . which the Imperial Japanese Government may find it necessary to take in Korea."

XI. Convention, Japan-Korea—Nov. 17, 1905.

Preamble. The two governments, "desiring to strengthen the principle of solidarity which unites the two Empires, have . . . concluded:

Article 1. "The Government of Japan . . . will hereafter have control and direction of the external relations and affairs of Korea . . ."

In 1906 Marquis Ito was made (Japanese) Resident-General in Korea.

In 1907 Japan prevented the representatives of the Korean Emperor from being given a hearing at the Hague Conference.

XII. Convention, Japan-Korea—July 24, 1907.

"The Governments of Japan and Korea, desiring speedily to promote the wealth and strength of Korea and with the object of promoting the prosperity of the Korean nation, have agreed . . ."

"1. In all matters relating to the reform of the Korean administration the Korean Government shall receive instructions and guidance from the[Japanese] Resident-General . . .

"4. In all appointments and removals of high officials the Korean Government must obtain the consent of the Resident-General.

"5. The Korean Government shall appoint to be officials of Korea any Japanese subjects recommended by the Resident-General.

"6. The Korean Government shall not appoint any foreigners to be officials of Korea without consulting the Resident-General."

In 1908 Prince Ito declared publicly that it was no part of Japan's purpose to annex Korea.

In 1909 Prince Ito declared that Korea must be "amalgamated" with Japan.

XIII. Treaty, Japan-Korea—Aug. 22, 1910.

Article 1. "His Majesty the Emperor of Korea makes complete and permanent cession to his Majesty the Emperor of Japan of all rights of sovereignty over the whole of Korea."

Article 2. "His Majesty the Emperor of Japan accepts the cession mentioned in the preceding article, and consents to the complete annexation of Korea to the Empire of Japan."

On Aug. 29, 1910, Japan formally declared Korea annexed to the dominions of his Imperial Majesty the Japanese Emperor.

Treaties and Agreements with Reference to the Integrity and Sovereign Rights of China, the "Open Door" Policy and "Equality of Opportunities."

I. Circular note of Secretary of State John Hay, for the United States, sent on Sept. 6, 1899, to the diplomatic representatives of the United States at London, Paris, Berlin, and St. Petersburg, and in November to Rome and Tokyo, asking the governments of the countries to which they were respectively accredited to make a "formal declaration of an 'open door policy' in the territories held by them in China."

The request made of each government was that it:

"First. Will in no way interfere with any treaty port or any vested interest within any so-called 'sphere of interest' or leased territory it may have in China.

"Second. That the Chinese treaty tariff of the time being shall apply to all merchandise landed or shipped to all such ports . . . (unless they be 'free ports'), . . . and that duties so leviable shall be collected by the Chinese Government.

"Third. That it will levy no higher harbor dues on vessels of another nationality frequenting any port in such 'sphere' than shall be levied on vessels of its own nationality, and no higher railroad charges over lines built, controlled, or operated within its 'sphere' on merchandise belonging to citizens or subjects of other nationalities transported through such 'sphere' than shall be levied on similar merchandise belonging to its own nationals transported over equal distances."

Each of the governments so addressed gave its assent to the principles suggested, whereupon Secretary Hay, having in hand and having compared the replies, sent, on March 20, 1900, instructions *mutatis mutandis*, to the ambassadors to inform the governments to which they were respectively accredited that in his opinion the six powers in question and the United States were mutually pledged to the policy of maintaining the commercial *status quo* in China, and of refraining each within what might be considered its "sphere of influence" from measures "calculated to destroy equality of opportunity." The seven powers thus mutually pledged were France, Germany, Great Britain, Italy, Japan, Russia, and the United States. (The United States had, however, no special "sphere of influence.")

II. Circular telegram sent by Mr. Hay to the diplomatic representatives of the United States at Berlin, Brussels, The Hague, Lisbon, London, Madrid, Paris, Rome, St. Petersburg, Tokyo, and Vienna, July 3, 1900.

". . . the policy of the Government of the United States is to seek a solution which may bring about permanent safety and

peace to China, preserve China's territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international laws, and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire."

III. Lord Salisbury, English Prime Minister, in an interview with the United States Ambassador to England, July 7, 1900, "expressed himself most emphatically as concurring" in the policy of the United States as set forth in the above telegram.

In a statement made in the English House of Commons, Aug. 2, 1900, regarding the policy of the British Government, it was declared:

"Her Majesty's Government are opposed to any partition of China, and believe that they are in accord with other powers in this declaration."

IV. Agreement, Great Britain-Germany—Oct. 16, 1900.

"1. It is a matter of joint and permanent international interest that the ports on the rivers and the littoral of China should remain free and open to trade and to every other legitimate form of economic activity for the nationals of all countries without distinction, and the two agree on their part to uphold the same for all Chinese territory so far as they can exercise influence.

"2. Her Britannic Majesty's Government and the Imperial German Government will not on their part make use of the present complication to obtain for themselves any territorial advantages in Chinese dominions and will direct their policy toward maintaining undiminished the territorial conditions of the Chinese Empire."

V. Mr. Hay, Oct. 29, 1900.

"When the recent troubles were at their height this government, on the 3d of July, once more made an announcement of its policy regarding impartial trade and the integrity of the Chinese Empire and had the gratification of learning that all the powers held similar views."

As the above Note indicates, the eleven countries addressed by Secretary Hay in his telegram of July 3 had all signified in one way or another their approval of the principles to which he asked attention in that telegram.

VI. For the Anglo-Japanese treaty of Aug. 12, 1902, see above, under "*Treaties . . . Korea*," V.

VII. Mr. Hay to United States Ambassadors to Germany, Austria-Hungary, Belgium, France, Great Britain, Italy, and Portugal, Jan. 13, 1905 (during the Russo-Japanese war).

" . . . the United States has repeatedly made its position well known and has been gratified at the cordial welcome accorded to its efforts to strengthen and perpetuate the broad policy of maintaining the integrity of China and the 'open door' in the Orient. . . . Holding these views, the United States disclaims any sort of reserved territorial rights or control in the Chinese Empire, and it is deemed fitting to make this purpose frankly known and to remove all apprehension on this score so far as concerns the policy of this nation. . . . You will bring this matter to the notice of the Government to which you are accredited, and you will invite the expression of its views thereon."

By Jan. 23 replies had been received from the Governments of Germany, Austria-Hungary, France, Great Britain, and Italy, entirely agreeing with the position taken by the United States and declaring their constant adhesion to the policy of the integrity of China and the open door in the Orient.

VIII. Treaty, Great Britain and Japan—Aug. 12, 1905 (renewing the alliance).

Preamble. "The Governments of Great Britain and Japan . . . have agreed upon the following articles, which have for their objects:

"(a) The consolidation and maintenance of the general peace in the regions of Eastern Asia and of India;

"(b) The preservation of the common interests of all the

powers in China by insuring the independence and the integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China."

For reference in this treaty to Korea see above, under "*Treaties . . . Korea,*" IX.

IX. Dispatch (accompanying a copy of the foregoing) from the Marquis of Lansdowne to His Majesty's Minister at St. Petersburg, Sept. 6, 1905.

"Sir: I inclose . . . a copy of a new Agreement. . . . The Russian Government will, I trust, recognize that the new Agreement is an international instrument to which no exception can be taken by any of the powers interested in the affairs of the Far East. You should call special attention to the objects mentioned in the Preamble as those by which the policy of the contracting parties is inspired. His Majesty's Government believe that they may count upon the good will and the support of all the powers in endeavoring to maintain peace in Eastern Asia and in seeking to uphold the integrity and independence of the Chinese Empire and the principle of equal opportunity for the commerce and the industry of all nations in that country."

X. Treaty (of Portsmouth), Russia-Japan—Sept. 5, 1905. (At the end of the Russo-Japanese War.)

Article 3. "Japan and Russia mutually engage . . . 2. To restore entirely and completely to the exclusive administration of China all portions of Manchuria now in the occupation or under the control of [their troops], with the exception of the territory above mentioned [the Liaotung peninsula].

"The Imperial Government of Russia declare that they have not in Manchuria any territorial advantage or exclusive concessions in impairment of Chinese sovereignty or inconsistent with the principle of equal opportunity."

Article 4. "Japan and Russia reciprocally engage not to obstruct any general measures common to all countries which China may take for the development of the commerce and industry of Manchuria."

XI. Treaty—China-Japan—Dec. 22, 1905.

(Confirming arrangements made in the Portsmouth Treaty.)

Article 12. The two governments "engage that in all matters dealt with in the treaty signed this day or in the present Agreement the most favorable treatment shall be reciprocally extended."

XII. Convention, France-Japan—June 10, 1907.

"The Governments of Japan and France, being agreed to respect the independence and integrity of China, as well as the principle of equal treatment in that country . . ."

XIII. Convention, Japan-Russia—July 30, 1907.

Article 2. "The two High Contracting Parties recognize the independence and the territorial integrity of China and the principle of equal opportunity in whatever concerns the commerce and industry of all nations in that Empire, and engage to sustain and defend the *status quo* and respect for this principle by all the pacific means within their reach."

XIV. Exchange of Notes, Japan and the United States —November, 1908.

1. "It is the wish of the two Governments . . .

2. "They are also determined to preserve the common interests of all powers in China by supporting by all pacific means at their disposal the independence and the integrity of China and the principle of equal opportunity . . . in that Empire."

XV. Convention, Japan-Russia—July 4, 1910.

The two governments, "sincerely attached to the principles established by the convention concluded between them on July 30, 1907, . . ."

Article 2. "Each . . . engages to maintain and respect the *status quo* in Manchuria resulting from the treaties, conventions, and other arrangements concluded up to this day between Japan and Russia, or between either of those two Powers and China."

XVI. Treaty, Great Britain-Japan—July 13, 1911 (renewing the alliance for the second time).

Preamble: [The two governments declare as among their objects]: "The preservation of the common interests of all Powers in China by insuring the independence and integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China."

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